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General Assembly

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Fifty-eighth session
Agenda item 39 (a)
New Partnership for Africa's Development: progress in implementation and international support

Morocco:* draft resolution

New Partnership for Africa's Development: progress in implementation and international support

The General Assembly,

Recalling its resolution 57/2 of 16 September 2002 on the United Nations Declaration on the New Partnership for Africa's Development,

Recalling also its resolution 57/7 of 4 November 2002 on the final review and appraisal of the United Nations New Agenda for the Development of Africa in the 1990s and support for the New Partnership for Africa's Development,

Recalling further resolution 57/297 of 20 December 2002 on the Second Industrial Development Decade for Africa,

Having considered the report of the Secretary-General on the New Partnership for Africa's Development: first consolidated report on progress in implementation and international support,[1]

1. *Welcomes* the report of the Secretary-General;[1]

2. *Takes note* of the progress made in the implementation of the New Partnership for Africa's Development and of international support for the Partnership;

3. *Calls upon* Member States to enhance their support for the implementation of the New Partnership, and notes that much remains to be done to achieve its objectives and priorities;

4. *Notes with satisfaction* the efforts made by African countries to deepen democracy and good governance by developing and strengthening institutions for governance and development in the region;

* On behalf of the States Members of the United Nations that are members of the Group of 77 and China.

[1] A/58/254.

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5. *Welcomes* the efforts of African countries in the management and resolution of conflicts in the region;

6. *Welcomes also* the progress in the establishment by the African Union of the African Peer Review Mechanism and the African Peer Review Mechanism Panel, the primary purpose of which is to foster the adoption of policies, standards and practices that lead to political stability, high economic growth, sustainable development and accelerated subregional and continental economic integration through the sharing of experience and the reinforcement of successful and best practices, including identifying deficiencies and assessing the needs for capacity-building;

7. *Welcomes further* the progress in the development of programmes in the areas of agricultural development, environment and infrastructure development, as well as the ongoing work in the areas of health and education and science and technology;

8. *Welcomes* the adoption of the Convention on the Prevention and Combating of Corruption by the African Union in Maputo, Mozambique, on 12 July 2003;[2]

9. *Encourages* African countries to take further concrete steps to deepen the process of integrating the priorities of the New Partnership into their national development plans and frameworks, to mobilize public and political support for the Partnership, to develop sound programmes in the designated priority areas of the Partnership, as well as to allocate adequate funding for such priority areas;

10. *Emphasizes* that regional economic communities are effective vehicles for the development and integration of the African continent, and in this regard calls for the strengthening of their role in the implementation of programmes and projects of the New Partnership at the subregional level;

11. *Encourages* the further integration of the priorities and objectives of the New Partnership into the programmes of the regional structures and organizations, as well as programmes in favour of the African least developed countries;

12. *Calls upon* African countries to promote the development and strengthening of their domestic private sector and to facilitate its effective involvement in the growth and development of African economies;

13. *Welcomes* the pledges of increased official development assistance made by many of the development partners, and urges that they take steps to disburse the pledges;

14. *Notes with satisfaction* that some developed countries have untied their official development assistance, and encourages countries that have not yet done so to untie their aid;

15. *Calls upon* the developed countries to bring coherence in their trade and aid policies towards Africa;

16. *Stresses* the need for the developed countries to enhance their support for the trust fund for the heavily indebted poor countries initiative so as to enable more

[2] See Assembly of the African Union, Second Ordinary Session, Maputo, Mozambique, 10-12 July 2003 (Assembly/AU/Dec.6-31 (II)), decision Assembly/AU/Dec.27 (II).

eligible heavily indebted poor countries to benefit from debt relief under the initiative, and also stresses the need to make debt relief to these countries sustainable through a realistic assessment of the export earnings and government revenues of the countries concerned;

17. *Stresses also* the need to find a durable solution to the problems of external indebtedness of heavily indebted poor countries in Africa, including through debt cancellation and other arrangements, and in this regard also stresses the need to explore innovative mechanisms to comprehensively address the debt problem of low and middle-income African countries, bearing in mind that external debt relief can release resources that may be utilized in the successful implementation of the New Partnership, taking into account initiatives that have been taken to reduce outstanding indebtedness and the need to pursue debt relief measures vigorously and expeditiously, including within the context of the Paris Club, the London Club and other relevant forums;

18. *Encourages* developed countries to support the promotion of private investment from their countries into African countries, in particular in the key productive sectors of the economy, and to provide investment guarantees for such investment;

19. *Underlines* the need to take concrete steps to implement existing frameworks/programmes of South-South cooperation, including, inter alia, through triangular cooperation in support of the New Partnership;

20. *Notes* the growing collaboration among the entities of the United Nations system in support of the New Partnership, and requests the Secretary-General to promote greater coherence in the work of the United Nations system in support of the Partnership, based on the agreed clusters;

21. *Also notes* that the entities of the United Nations system have been actively using the regional consultations mechanism as a vehicle for fostering collaboration and coordination at the regional level, and encourages them to intensify their efforts in developing and implementing joint programmes in support of the New Partnership at the regional level;

22. *Requests* the United Nations system to continue to provide assistance to the secretariat for the New Partnership and to African countries in developing projects and programmes within the scope of the priorities of the Partnership;

23. *Welcomes* the creation of the Office of the Special Adviser on Africa, and requests the Secretary-General to take measures to strengthen the Office to enable it to effectively fulfil its mandate;

24. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the fifty-ninth session of the General Assembly.

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Fifty-eighth session
Agenda item 52 (b)
Oceans and the law of the sea: sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

Austria, Canada, Denmark, Fiji, Finland, France, Greece, Iceland, Ireland, Italy, Marshall Islands, Monaco, Namibia, Nauru, Netherlands, New Zealand, Norway, Papua New Guinea, Portugal, Russian Federation, Samoa, Solomon Islands, Spain, Sweden, Tonga, Tuvalu, United Kingdom of Great Britain and Northern Ireland, United States of America and Vanuatu: draft resolution

Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

The General Assembly,

Reaffirming its resolutions 46/215 of 20 December 1991, 49/116 and 49/118 of 19 December 1994, 50/25 of 5 December 1995 and 57/142 of 12 December 2002 as well as other resolutions on large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments, and its resolutions 56/13 of 28 November 2001 and 57/143 of 12 December 2002 on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks,

Recalling the relevant provisions of the United Nations Convention on the Law of the Sea ("the Convention"),[1] and bearing in mind the relationship between the

[1] See *The Law of the Sea: Official Texts of the United Nations Convention on the Law of the Sea of 10 December 1982 and of the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 with Index and Excerpts from the Final Act of the Third United Nations Conference on the Law of the Sea* (United Nations publication, Sales No. E.97.V.10).

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Convention and the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks ("the Agreement"),[2]

Recognizing that, in accordance with the Convention, the Agreement sets forth provisions concerning the conservation and management of straddling fish stocks and highly migratory fish stocks, including provisions on subregional and regional cooperation in enforcement, binding dispute settlement and the rights and obligations of States in authorizing the use of vessels flying their flags for fishing on the high seas,

Noting that the Code of Conduct for Responsible Fisheries of the Food and Agriculture Organization of the United Nations ("the Code")[3] and its associated international plans of action set out principles and global standards of behaviour for responsible practices to conserve, manage and develop fisheries, including guidelines for fishing on the high seas and in areas under the national jurisdiction of other States, and on fishing gear selectivity and practices, with the aim of reducing by-catch and discards,

Noting with satisfaction the recently adopted Food and Agriculture Organization of the United Nations Strategy for Improving Information on Status and Trends of Capture Fisheries,[4] and recognizing that the long-term improvement of knowledge and understanding of fishery status and trends is a fundamental basis for fisheries policy and management for implementing the Code,

Recognizing the need to implement, as a matter of priority, the Plan of Implementation of the World Summit on Sustainable Development (Johannesburg Plan of Implementation),[5] in relation to achieving sustainable fisheries,

Deploring the fact that fish stocks, including straddling fish stocks and highly migratory fish stocks, in many parts of the world are overfished or subject to sparsely regulated and heavy fishing efforts, mainly as a result of, inter alia, unauthorized fishing, inadequate regulatory measures and excess fishing capacity,

Concerned that illegal, unreported and unregulated fishing threatens seriously to deplete populations of certain fish species and to significantly damage marine ecosystems, to the detriment of sustainable fisheries as well as the food security and the economies of many States, particularly developing States,

Recognizing that inadequate flag State control over fishing vessels, including those fishing for straddling fish stocks and highly migratory fish stocks, and insufficient monitoring, control and surveillance measures exacerbate the problem of overfishing,

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[2] ***International Fisheries Instruments with Index*** (United Nations publication, Sales No. E.98.V.11), sect. I; see also A/CONF.164/37.

[3] ***International Fisheries Instruments with Index*** (United Nations publication, Sales No. E.98.V.11), sect. III.

[4] ***FAO Strategy for Improving Information on Status and Trends of Capture Fisheries*** (Rome, FAO, 2003). 34 p.

[5] ***Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002*** (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

Recognizing also that the interrelationship between ocean activities, such as shipping and fishing, and environmental issues needs further consideration,

Calling attention to the circumstances affecting fisheries in many developing States, in particular, African States and small island developing States, and recognizing the urgent need for capacity-building to assist such States in meeting their obligations under international instruments and realizing the benefits from fisheries resources,

Noting the obligation of all States, pursuant to the provisions of the Convention, to cooperate in the conservation and management of straddling fish stocks and highly migratory fish stocks, and recognizing the importance of coordination and cooperation at the global, regional, subregional as well as national levels in the areas, inter alia, of data collection, information-sharing, capacity-building and training for the conservation, management and sustainable development of marine living resources,

Recognizing the duty provided in the Convention, the 1993 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas ("the Compliance Agreement"),[6] the Agreement and the Code for flag States to exercise effective control over fishing vessels flying their flag and vessels flying their flag which provide support to such vessels, and to ensure that the activities of such vessels do not undermine the effectiveness of conservation and management measures taken in accordance with international law and adopted at the national, subregional, regional or global levels,

Recognizing also the urgent need for action at all levels to ensure the long-term sustainable use and management of fisheries resources,

Recognizing further the economic and cultural importance of sharks in many countries, the biological importance of sharks in the marine ecosystem, the vulnerability of some shark species to over-exploitation and the need for measures to promote the long-term sustainability of shark populations and fisheries,

Reaffirming its support for the initiative of the Food and Agriculture Organization of the United Nations and relevant regional and subregional fisheries management organizations and arrangements on the conservation and management of sharks, while noting with concern that only a small number of countries have implemented the 1999 International Plan of Action for the Conservation and Management of Sharks of the Food and Agriculture Organization,

Noting with satisfaction the outcomes of the second round of informal consultations of States parties to the Agreement, held in New York from 23 to 25 July 2003,

Taking note with appreciation of the report of the Secretary-General,[7] and emphasizing the useful role that the report plays in bringing together information relating to the sustainable development of the world's marine living resources provided by States, relevant international organizations, regional and subregional fisheries organizations and non-governmental organizations,

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[6] *International Fisheries Instruments with Index* (United Nations publication, Sales No. E.98.V.11), sect. II.

[7] A/58/215.

Noting with satisfaction that the incidence of reported large-scale pelagic drift-net fishing activities in most regions of the world's oceans and seas has continued to be low,

Expressing concern that the practice of large-scale pelagic drift-net fishing remains a threat to marine living resources,

Emphasizing that efforts should be made to ensure that the implementation of resolution 46/215 in some parts of the world does not result in the transfer to other parts of the world of drift-nets that contravene the resolution,

Expressing concern at the reports of continued loss of seabirds, particularly albatrosses, as a result of incidental mortality from longline fishing operations, and the loss of other marine species, including sharks and fin-fish species, as a result of incidental mortality, and noting with satisfaction the imminent entry into force of the Agreement on the Conservation of Albatrosses and Petrels under the Convention on the Conservation of Migratory Species of Wild Animals,

Welcoming the fact that a growing number of States, and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement, as well as regional and subregional fisheries management organizations and arrangements, have enacted legislation, established regulations, adopted conventions or taken other measures as steps towards implementation of the provisions of the Agreement,

Recognizing the significant contribution of sustainable fisheries to food security, income and wealth for present and future generations,

I. Achieving sustainable fisheries

1. *Reaffirms* the importance it attaches to the long-term conservation, management and sustainable use of the marine living resources of the world's oceans and seas and the obligations of States to cooperate to this end, in accordance with international law, as reflected in the relevant provisions of the Convention,[1] in particular the provisions on cooperation set out in Part V and Part VII, section 2, of the Convention regarding straddling stocks, highly migratory species, marine mammals, anadromous stocks and marine living resources of the high seas, and where applicable, the Agreement;[2]

2. *Calls upon* all States that have not done so, in order to achieve the goal of universal participation, to become parties to the Convention, which sets out the legal framework within which all activities in the oceans and seas must be carried out, taking into account the relationship between the Convention and the Agreement;

3. *Reaffirms* the importance of the Johannesburg Plan of Implementation in relation to fisheries, in particular the commitment made therein to restore depleted fish stocks on an urgent basis and, where possible, not later than 2015;[8]

4. *Urges* all States to apply the precautionary approach widely to the conservation, management and exploitation of fish stocks, including straddling fish stocks and highly migratory fish stocks, and calls upon States parties to the

[8] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex, para. 31 (a).

Agreement to implement fully the provisions of article 6 of the Agreement as a matter of priority;

II. Implementation of the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

5. *Calls upon* all States, and entities referred to in the Convention[1] and in article 1, paragraph 2 (*b*), of the Agreement,[2] that have not done so to ratify or accede to the Agreement and to consider applying it provisionally;

6. *Emphasizes* the importance of the effective implementation of the provisions of the Agreement, including those provisions relating to bilateral, regional and subregional cooperation in enforcement, and urges continued efforts in this regard;

7. *Welcomes* the entry into force of the Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean on 13 April 2003, and invites signatory States and other States with real interest whose vessels fish in the Convention area for fishery resources covered by that Convention to ratify or to accede to the Convention;

8. *Calls upon* all States to ensure that their vessels comply with the conservation and management measures that have been adopted by subregional and regional fisheries management organizations and arrangements in accordance with relevant provisions of the Convention and of the Agreement;

9. *Invites* States and international financial institutions and organizations of the United Nations system to provide assistance according to Part VII of the Agreement, including, if appropriate, the development of special financial mechanisms or instruments to assist developing States, in particular the least developed among them and small island developing States, to enable them to develop their national capacity to exploit fishery resources, including developing their domestically flagged fishing fleet, value-added processing and the expansion of their economic base in the fishing industry, consistent with the duty to ensure the proper conservation and management of those fisheries resources;

10. *Decides* to establish an Assistance Fund under Part VII of the Agreement to assist developing States parties in the implementation of the Agreement, to be administered by the Food and Agriculture Organization of the United Nations, which should act as the implementing office for the Fund, in collaboration with the United Nations, in accordance with the terms of reference as agreed at the second round of informal consultations of the States parties to the Agreement and appropriate arrangements made between them;

11. *Emphasizes* the importance of outreach to potential donor organizations to contribute to the programme of assistance, including the newly established Assistance Fund under Part VII of the Agreement;

12. *Recalls* paragraph 6 of its resolution 56/13, and requests the Secretary-General to convene a third round of informal consultations of States parties to the Agreement, for the purposes and objectives of considering the national, regional, subregional and global implementation of the Agreement, in particular by

conducting an evaluation of the implementation of the Agreement by regional fisheries management organizations as well as considering initial preparatory steps for the review conference to be convened by the Secretary-General pursuant to article 36 of the Agreement, and making any appropriate recommendation to the General Assembly;

13. *Requests* the Secretary-General to invite States, and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement, not party to the Agreement, as well as the United Nations Development Programme, the Food and Agriculture Organization of the United Nations and other specialized agencies, the Commission on Sustainable Development, the World Bank, the Global Environment Facility and other relevant international financial institutions, regional fishery bodies and arrangements and relevant non-governmental organizations to attend the third round of informal consultations of States parties to the Agreement as observers;

III. Related fisheries instruments

14. *Welcomes* the entry into force of the Compliance Agreement[6] and calls upon all States and other entities referred to in article 10, paragraph 1, of the Compliance Agreement that have not yet deposited instruments of acceptance to do so as a matter of priority;

15. *Urges* parties to the Compliance Agreement to exchange information in the implementation of that Agreement;

16. *Urges* States and subregional and regional fisheries management organizations and arrangements to promote the application of the Code within their areas of competence;

17. *Invites* States to support implementation of the Food and Agriculture Organization of the United Nations Strategy for Improving Information on Status and Trends of Capture Fisheries[4] at the national and regional levels, giving particular emphasis to capacity-building in developing countries;

18. *Urges* States to develop and implement national and, as appropriate, regional plans of action to put into effect the international plans of action of the Food and Agriculture Organization of the United Nations, namely the International Plan of Action for the Management of Fishing Capacity, the International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries, the International Plan of Action for the Conservation and Management of Sharks and the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing;

IV. Illegal, unreported and unregulated fishing

19. *Calls upon* States not to permit vessels flying their flag to engage in fishing on the high seas or in areas under the national jurisdiction of other States, unless duly authorized by the authorities of the States concerned and in accordance with the conditions set out in the authorization, without having effective control over their activities, and to take specific measures, including deterring the reflagging of vessels by their nationals, in accordance with the relevant provisions of the Convention, the Agreement and the Compliance Agreement, to control fishing operations by vessels flying their flag;

20. *Affirms* the need to strengthen, where necessary, the international legal framework for intergovernmental cooperation, in particular at the regional and subregional levels, in the management of fish stocks and in combating illegal, unreported and unregulated fishing, in a manner consistent with international law, and for States and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement to collaborate in efforts to address these types of fishing activities;

21. *Encourages* States to consider becoming members of the International Monitoring, Control, and Surveillance Network for Fisheries-Related Activities, a voluntary network of monitoring, control and surveillance professionals designed to facilitate exchange of information and to support countries in discharging their obligations pursuant to international agreements, in particular the Compliance Agreement;

22. *Invites* the International Maritime Organization and other relevant competent international organizations to study, examine and clarify the role of the "genuine link" in relation to the duty of flag States to exercise effective control over ships flying their flag, including fishing vessels;

23. *Calls upon* flag and port States to take all measures consistent with international law necessary to prevent the operation of sub-standard vessels and illegal, unreported and unregulated fishing activities;

24. *Encourages* States in their work with regional and subregional fisheries management organizations and arrangements to develop and implement vessel monitoring systems and, where appropriate and consistent with international law, trade monitoring schemes;

25. *Urges* States to develop and implement national and, where appropriate, regional plans of action, to put into effect by 2004 the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing of the Food and Agriculture Organization of the United Nations and to establish effective monitoring, reporting and enforcement and control of fishing vessels, including by flag States, to further the International Plan of Action;

26. *Urges* relevant regional and subregional fisheries management organizations and arrangements to implement effective measures against illegal, unreported and unregulated fishing, inter alia, by compiling a record of vessels authorized to fish in their area of competence, in accordance with the Code;

27. *Urges* States to eliminate subsidies that contribute to illegal, unreported and unregulated fishing and to overcapacity, while completing the efforts undertaken at the World Trade Organization to clarify and improve its disciplines on fisheries subsidies, taking into account the importance of this sector to developing countries;

28. *Commends* the Food and Agriculture Organization of the United Nations for its activities in combating illegal, unreported and unregulated fishing, including its initiative to organize the intergovernmental Technical Consultation on illegal, unreported and unregulated fishing and fleet overcapacity to be held in June 2004, and the intergovernmental Technical Consultation on the role of the Port State in combating illegal, unreported and unregulated fishing, to be held in September 2004;

29. *Recognizes* the need for enhanced port State controls to combat illegal, unreported and unregulated fishing, urges States to cooperate, in particular at the regional level, and through regional and subregional fisheries management organizations and arrangements, as well as through participation, where appropriate, in the efforts of the Food and Agriculture Organization of the United Nations in cooperation with the International Maritime Organization to address substantive issues relating to the role of the port State, noting that such efforts include the elaboration of principles and guidelines for the establishment of regional memoranda of understanding on port State measures to prevent, deter and eliminate illegal, unreported and unregulated fishing;

V. Fishing overcapacity

30. *Calls upon* States and relevant regional fisheries management organizations, as a matter of priority, to take effective measures to improve the management of fishing capacity and to put into effect the 1999 Food and Agriculture Organization of the United Nations International Plan of Action for the Management of Fishing Capacity by 2005, taking into account the need, through these actions, to avoid the transfer of fishing capacity to other fisheries or areas including, but not limited to, those areas where fisheries are over-exploited or in a depleted condition;

31. *Urges* those States and other entities referred to in article X, paragraph 1, of the Compliance Agreement that have become parties to that Agreement to establish a record of fishing vessels authorized to fish on the high seas and, pursuant to articles IV and VI, to make such a record available to the Food and Agriculture Organization of the United Nations as a matter of priority, and urges the Food and Agriculture Organization to quickly establish the record of fishing vessels as called for in the Compliance Agreement;

32. *Calls upon* all States to assist this work of the Food and Agriculture Organization of the United Nations, to take measures to halt the increase of large-scale fishing vessels in accordance with the International Plan of Action for the Management of Fishing Capacity and to participate in the intergovernmental Technical Consultation on illegal, unreported and unregulated fishing and fleet overcapacity to be organized by the Food and Agriculture Organization in 2004;

VI. Large-scale pelagic drift-net fishing

33. *Reaffirms* the importance it attaches to continued compliance with its resolution 46/215, and other subsequent resolutions on large-scale pelagic drift-net fishing, and urges States and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement to enforce fully the measures recommended in those resolutions;

VII. Fisheries by-catch and discards

34. *Urges* States, relevant international organizations and regional and subregional fisheries management organizations and arrangements that have not done so to take action to reduce or eliminate by-catch, catch by lost or abandoned gear, fish discards and post-harvest losses, including juvenile fish, consistent with international law and relevant international instruments, including the Code, and in particular to consider measures including, as appropriate, technical measures related to fish size, mesh size or gear, discards, closed seasons and areas and zones reserved

for selected fisheries, particularly artisanal fisheries, the establishment of mechanisms for communicating information on areas of high concentration of juvenile fish, taking into account the importance of ensuring confidentiality of such information, and support for studies and research that will reduce or eliminate by-catch of juvenile fish;

35. *Encourages* States and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement to give due consideration to participation, as appropriate, in regional and subregional organizations with mandates to conserve non-target species taken incidentally in fishing operations, and notes in particular the Inter-American Convention for the Protection and Conservation of Sea Turtles and Their Habitats, regional sea turtle conservation instruments in the West African, the wider Caribbean, and the Indian Ocean/South-East Asia regions, the work of the Southeast Asian Fisheries Development Centre on turtle conservation and management, the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas and the Agreement on the Conservation of Albatrosses and Petrels under the Convention on the Conservation of Migratory Species of Wild Animals in this regard;

36. *Notes with satisfaction* the activities of the Food and Agriculture Organization of the United Nations, in cooperation with relevant United Nations agencies, in particular the United Nations Environment Programme and the Global Environment Facility, aimed at promoting the reduction of by-catch and discards in fisheries activities;

VIII. Subregional and regional cooperation

37. *Urges* coastal States and States fishing on the high seas, in accordance with the Convention and the Agreement, to pursue cooperation in relation to straddling fish stocks and highly migratory fish stocks, either directly or through appropriate subregional or regional fisheries management organizations or arrangements, to ensure the effective conservation and management of such stocks;

38. *Encourages* States fishing for straddling fish stocks and highly migratory fish stocks on the high seas and relevant coastal States, where a subregional or regional fisheries management organization or arrangement has the competence to establish conservation and management measures for such stocks, to give effect to their duty to cooperate by becoming members of such organization or participants in such arrangement, or by agreeing to apply the conservation and management measures established by such organization or arrangement;

39. *Invites*, in this regard, subregional and regional fisheries management organizations and arrangements to ensure that all States having a real interest in the fisheries concerned may become members of such organizations or participants in such arrangements, in accordance with the Convention and the Agreement;

40. *Encourages* relevant coastal States and States fishing on the high seas for a straddling fish stock or highly migratory fish stock, where there is no subregional or regional fisheries management organization or arrangement to establish conservation and management measures for such stock, to cooperate to establish such an organization or enter into another appropriate arrangement to ensure the conservation and management of such stocks, and to participate in the work of the organization or arrangement;

41. *Welcomes* the initiation of negotiations and ongoing preparatory work to establish regional and subregional fisheries management organizations or arrangements in several fisheries, and urges participants in those negotiations to apply provisions of the Convention and the Agreement to their work;

42. *Encourages* States to develop ocean policies and mechanisms on integrated management, including at the subregional and regional levels, and also including assistance to developing States in accomplishing these objectives, as well as by promoting improved cooperation between regional fisheries management organizations and other regional entities, such as the United Nations Environment Programme regional seas programmes and conventions;

IX. Responsible fisheries in the marine ecosystem

43. *Encourages* States to apply by 2010 the ecosystem approach, notes the Reykjavik Declaration on Responsible Fisheries in the Marine Ecosystem[9] and decisions V/6[10] and VI/12[11] of the Conference of the Parties to the Convention on Biological Diversity, encourages States to consider the Food and Agriculture Organization of the United Nations guidelines for the implementation of ecosystem considerations in fisheries management, and notes the importance of relevant provisions of the Agreement and the Code to this approach;

44. *Calls upon* the Food and Agriculture Organization of the United Nations, the United Nations Environment Programme, in particular its Regional Seas programme, the International Maritime Organization, regional and subregional fisheries management organizations and arrangements and other appropriate intergovernmental organizations to take up, as a matter of priority, the issue of marine debris as it relates to fisheries and, where appropriate, to promote better coordination and help States to implement fully relevant international agreements, including annex V to the Guidelines of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto;

45. *Urges* all States to implement the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities and to accelerate activity to safeguard the marine environment against pollution and physical degradation;

46. *Requests* the Secretary-General, in close cooperation with the Food and Agriculture Organization of the United Nations, and in consultation with States, regional and subregional fisheries management organizations and arrangements and other relevant organizations, in his next report concerning fisheries, to include a section outlining current risks to the marine biodiversity of vulnerable marine ecosystems including, but not limited to, seamounts, coral reefs, including cold water reefs and certain other sensitive underwater features, related to fishing activities, as well as detailing any conservation and management measures in place at the global, regional, subregional or national levels addressing these issues;

47. *Calls upon* States, the Food and Agriculture Organization of the United Nations and subregional or regional fisheries management organizations and

[9] E/CN.17/2002/PC.2/3, annex.

[10] See UNEP/CBD/COP/5/23, annex III.

[11] See UNEP/CBD/COP/6/20, annex I.

arrangements to implement fully the 1999 International Plan of Action for the Conservation and Management of Sharks of the Food and Agriculture Organization, as a matter of priority, inter alia, by conducting assessments of shark stocks and developing and implementing national plans of action, recognizing the need of some States, in particular developing States, for assistance in this regard;

48. *Urges* States, including those working through subregional or regional fisheries management organizations and arrangements in implementing the 1999 International Plan of Action for the Conservation and Management of Sharks of the Food and Agriculture Organization of the United Nations, to collect scientific data regarding shark catches and to consider adopting conservation and management measures, particularly where shark catches from directed and non-directed fisheries have a significant impact on vulnerable or threatened shark stocks, in order to ensure the conservation and management of sharks and their long-term sustainable use, including by banning directed shark fisheries conducted solely for the purpose of harvesting shark fins and by taking measures for other fisheries to minimize waste and discards from shark catches and to encourage the full use of dead sharks;

49. *Urges* all States to cooperate with the Food and Agriculture Organization of the United Nations in order to assist developing States in implementing the 1999 International Plan of Action for the Conservation and Management of Sharks of the Food and Agriculture Organization, including through voluntary contributions to work of the organization, such as its FishCode programme;

50. *Invites* the Food and Agriculture Organization of the United Nations, in consultation with relevant subregional or regional fisheries management organizations or arrangements, to prepare a study relating to the impact on shark populations of shark catches from directed and non-directed fisheries and their impact on ecologically related species, taking into account the nutritional and socio-economic considerations as reflected in the 1999 International Plan of Action for the Conservation and Management of Sharks of the Food and Agriculture Organization, particularly as they relate to small-scale, subsistence and artisanal fisheries and communities, as well as updating the 1999 Food and Agriculture Organization Technical Paper 389, entitled "Shark Utilization, Marketing and Trade", in order to facilitate improved shark conservation, management and utilization, and to report to the Secretary-General for inclusion in a fisheries-related report as soon as practicable;

X. Capacity-building

51. *Reiterates* the crucial importance of cooperation by States directly or, as appropriate, through the relevant regional and subregional organizations, and by other international organizations, including through financial and/or technical assistance, in accordance with the Agreement, the Compliance Agreement, the Code and the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, to increase the capacity of developing States to achieve the goals and implement the actions called for in the present resolution;

52. *Invites* States and relevant intergovernmental organizations to develop projects, programmes and partnerships with relevant stakeholders and mobilize resources for the effective implementation of the outcome of the African Process for the Protection and Development of the Marine and Coastal Environment, and to consider the inclusion of fisheries components in this work;

53. *Also invites* States and relevant intergovernmental organizations to further implement sustainable fisheries management and improve financial returns from fisheries by supporting and strengthening relevant regional fisheries management organizations, as appropriate, such as the Caribbean Regional Fisheries Mechanism, and such agreements as the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific;

XI. Cooperation within the United Nations system

54. *Requests* the relevant parts of the United Nations system, international financial institutions and donor agencies to support increased enforcement and compliance capabilities for regional fisheries management organizations and their member States;

55. *Invites* the Food and Agriculture Organization of the United Nations to continue its cooperative arrangements with United Nations agencies on the implementation of the international plans of action and to report to the Secretary-General, for inclusion in his annual report on oceans and the law of the sea, on priorities for cooperation and coordination in this work;

XII. Fifty-ninth session of the General Assembly

56. *Requests* the Secretary-General to bring the present resolution to the attention of all members of the international community, relevant intergovernmental organizations, the organizations and bodies of the United Nations system, regional and subregional fisheries management organizations and relevant non-governmental organizations, and to invite them to provide the Secretary-General with information relevant to the implementation of the present resolution;

57. *Also requests* the Secretary-General to submit to the General Assembly at its fifty-ninth session a report on "Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments", taking into account information provided by States, relevant specialized agencies, in particular the Food and Agriculture Organization of the United Nations, and other appropriate organs, organizations and programmes of the United Nations system, regional and subregional organizations and arrangements for the conservation and management of straddling fish stocks and highly migratory fish stocks, as well as other relevant intergovernmental bodies and non-governmental organizations, and consisting, inter alia, of elements provided in relevant paragraphs in the present resolution;

58. *Decides* to include in the provisional agenda of its fifty-ninth session, under the item entitled "Oceans and the law of the sea", a sub-item entitled "Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments".

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Oceans and the law of the sea: sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

Austria, Canada, Denmark, Fiji, Finland, France, Greece, Iceland, Ireland, Italy, Marshall Islands, Monaco, Namibia, Nauru, Netherlands, New Zealand, Norway, Papua New Guinea, Portugal, Russian Federation, Samoa, Solomon Islands, Spain, Sweden, Tonga, Tuvalu, United Kingdom of Great Britain and Northern Ireland, United States of America and Vanuatu: draft resolution

Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

Addendum

Add the following countries to the list of sponsors of the draft resolution:

Australia, Belgium, Belize, Brazil, Cyprus, Mauritius, Sierra Leone, South Africa, Trinidad and Tobago and Ukraine

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Agenda item 52 (a)
Oceans and the law of the sea

Angola, Australia, Austria, Bahamas, Belize, Benin, Canada, Fiji, Finland, Gambia, Germany, Greece, Haiti, Iceland, Ireland, Italy, Jamaica, Japan, Luxembourg, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Namibia, Nauru, Netherlands, New Zealand, Norway, Papua New Guinea, Portugal, Russian Federation, Samoa, Solomon Islands, Sri Lanka, Sweden, Tonga, Tuvalu, United States of America and Vanuatu: draft resolution

Oceans and the law of the sea

The General Assembly,

Recalling its resolutions 49/28 of 6 December 1994, 52/26 of 26 November 1997, 54/33 of 24 November 1999, 57/141 of 12 December 2002 and other relevant resolutions adopted subsequent to the entry into force of the United Nations Convention on the Law of the Sea ("the Convention")[1] on 16 November 1994,

Emphasizing the universal and unified character of the Convention and its fundamental importance for the maintenance and strengthening of international peace and security, as well as for the sustainable development of the oceans and seas,

Reaffirming that the Convention sets out the legal framework within which all activities in the oceans and seas must be carried out and is of strategic importance as the basis for national, regional and global action and cooperation in the marine sector, and that its integrity needs to be maintained, as recognized also by the United Nations Conference on Environment and Development in chapter 17 of Agenda 21,[2]

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[1] See *The Law of the Sea: Official Texts of the United Nations Convention on the Law of the Sea of 10 December 1982 and of the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 with Index and Excerpts from the Final Act of the Third United Nations Conference on the Law of the Sea* (United Nations publication, Sales No. E.97.V.10).

[2] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992* (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: *Resolutions adopted by the Conference*, resolution 1, annex II.

03-61891 (E) 201103

Conscious that the problems of ocean space are closely interrelated and need to be considered as a whole through an integrated, interdisciplinary and intersectoral approach,

Convinced of the need, building on arrangements established in accordance with the Convention, to improve coordination at the national level and cooperation and coordination at both intergovernmental and inter-agency levels, in order to address all aspects of oceans and seas in an integrated manner,

Recognizing the important role that the competent international organizations have in relation to ocean affairs, in implementing the Convention and in promoting the sustainable development of the oceans and seas,

Recalling the essential role of international cooperation and coordination in promoting the integrated management and sustainable development of the oceans and seas, and recalling also that the role of international cooperation and coordination on a bilateral basis and, where applicable, within a subregional, regional, interregional or global framework is to support and supplement the national efforts of all States, including coastal States, in promoting the implementation and observance of the Convention and the integrated management and sustainable development of coastal and marine areas,

Underlining once again the essential need for capacity-building to ensure that all States, especially developing countries, in particular least developed countries and small island developing States, as well as coastal African States, are able both to implement the Convention and to benefit from the sustainable development of the oceans and seas,

Underlining also the essential need for capacity-building to ensure that all States, especially developing countries, in particular least developed countries and small island developing States, are able to participate fully in global and regional forums and processes dealing with oceans and law of the sea issues,

Emphasizing the need to strengthen the ability of competent international organizations to contribute, at the global, regional, subregional and bilateral levels, including through cooperation programmes with Governments, to the development of national and local capacity in marine science and the sustainable management of oceans and their resources,

Recalling the recommendations of the World Summit on Sustainable Development, including to establish by 2004 a regular process under the United Nations for global reporting and assessment of the state of the marine environment, including socio-economic aspects, both current and foreseeable, building on existing regional assessments,[3] and the decision of the General Assembly in its resolution 57/141 to establish such a process by 2004,

Reiterating its deep concern at the situation of many of the world's fisheries caused principally by overcapacity, overfishing and illegal, unregulated and unreported fishing, as well as, in many areas, pollution,

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[3] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), resolution 2, annex, para. 36 (b).

Reiterating its concern at the adverse impacts on the marine environment, in particular on vulnerable marine ecosystems, including coral, of human activities, such as overutilization of living marine resources, the use of destructive fishing practices, physical impacts by ships, the introduction of alien invasive species and marine pollution from all sources including from land-based sources and vessels, in particular through the illegal release of oil and other harmful substances and from dumping, including the dumping of hazardous waste such as radioactive materials, nuclear waste and dangerous chemicals,

Recognizing that hydrographic surveys and nautical charting are critical to the safety of navigation and life at sea, environmental protection, including vulnerable marine ecosystems and the economics of the global shipping industry, and recognizing in this regard, that the move towards electronic charting not only provides significantly increased benefits for safe navigation and management of ship movement, but also provides data and information that can be used for sustainable fisheries activities and other sectoral uses of the marine environment, the delimitation of maritime boundaries and environmental protection,

Welcoming the convening by the International Atomic Energy Agency of the International Conference on the Safety of Transport of Radioactive Material, as well as the outcomes of the Conference, which provided an opportunity for States to address issues relating to the transport of radioactive materials, including by sea,

Taking note of the report of the Secretary-General,[4] and emphasizing in this regard the critical role of the annual comprehensive report of the Secretary-General, which integrates information on developments relating to the implementation of the Convention and the work of the Organization, its specialized agencies and other institutions in the field of ocean affairs and the law of the sea at the global and regional levels, and as a result constitutes the basis for the annual consideration and review of developments relating to ocean affairs and the law of the sea by the General Assembly as the global institution having the competence to undertake such a review,

Taking note also of the report on the work of the United Nations Open-ended Informal Consultative Process on oceans and the law of the sea ("the Consultative Process") established by the General Assembly in its resolution 54/33 in order to facilitate the annual review by the Assembly of developments in ocean affairs at its fourth meeting,[5]

Noting the responsibilities of the Secretary-General under the Convention and related resolutions of the General Assembly, in particular resolutions 49/28, 52/26 and 54/33, and in this context the expected increase in responsibilities of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat in view of the anticipated receipt of submissions from States to the Commission on the Limits of the Continental Shelf ("the Commission"), in addition to the expected growing involvement of the Division with new developments such as the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects, with requests for technical assistance from States and the role of the Division in inter-agency coordination and cooperation,

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[4] A/58/65 and Add.1.

[5] See A/58/95.

I. Implementation of the Convention and related agreements and instruments

1. *Calls upon* all States that have not done so, in order to achieve the goal of universal participation, to become parties to the Convention[1] and the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 ("the Agreement");[1]

2. *Reaffirms* the unified character of the Convention;

3. *Also calls upon* States that have not done so to become parties to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks;[6]

4. *Once again calls upon* States to harmonize, as a matter of priority, their national legislation with the provisions of the Convention, to ensure the consistent application of those provisions and to ensure also that any declarations or statements that they have made or make when signing, ratifying or acceding to the Convention are in conformity therewith and, otherwise, to withdraw any of their declarations or statements that are not in conformity;

5. *Encourages* States parties to the Convention to deposit with the Secretary-General charts and lists of geographical coordinates, as provided for in the Convention;

6. *Emphasizes* the essential need to improve the implementation of international agreements referred to in article 311 of the Convention and, where appropriate, to foster the conditions for the application of instruments of a voluntary nature, and recalls the important role of international organizations in achieving these goals;

II. Meeting of States Parties

7. *Takes note* of the report of the thirteenth Meeting of States Parties to the Convention;[7]

8. *Requests* the Secretary-General to convene the fourteenth Meeting of States Parties to the Convention in New York from 14 to 18 June 2004 and to provide the services required;

III. Settlement of disputes

9. *Notes with satisfaction* the continued contribution of the International Tribunal for the Law of the Sea ("the Tribunal") to the peaceful settlement of disputes in accordance with Part XV of the Convention, underlines the important role and authority of the Tribunal concerning the interpretation or application of the Convention and the Agreement, once again encourages States parties to the Convention that have not yet done so to consider making a written declaration choosing from the means set out in article 287 for the settlement of disputes concerning the interpretation or application of the Convention and the Agreement, and invites States parties to note the provisions of annexes V, VI, VII and VIII to the

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[6] *International Fisheries Instruments with Index* (United Nations publication, Sales No. E.98.V.11), sect. I; see also A/CONF.164/37.

[7] SPLOS/103.

Convention concerning, respectively, conciliation, the Tribunal, arbitration and special arbitration;

10. *Equally pays tribute* to the important and long-standing role of the International Court of Justice with regard to the peaceful settlement of disputes concerning the law of the sea;

11. *Recalls* the obligation under article 296 of the Convention requiring all parties to a dispute before a court or a tribunal referred to in article 287 of the Convention to comply promptly with any decisions rendered by such court or tribunal;

12. *Encourages* States parties to the Convention that have not yet done so to nominate conciliators and arbitrators in accordance with annexes V and VII to the Convention, and requests the Secretary-General to continue to update and circulate lists of these conciliators and arbitrators on a regular basis;

IV. The Area

13. *Notes* the progress of the discussion of issues relating to the regulations for prospecting and exploration for polymetallic sulphides and cobalt-rich crusts in the Area;

14. *Reiterates* the importance of the ongoing elaboration by the Authority, pursuant to article 145 of the Convention, of rules, regulations and procedures to ensure the effective protection of the marine environment, the protection and conservation of the natural resources of the Area and the prevention of damage to its flora and fauna from harmful effects that may arise from activities in the Area;

V. Effective functioning of the Authority and the Tribunal

15. *Appeals* to all States parties to the Convention to pay their assessed contributions to the Authority and to the Tribunal in full and on time, and appeals also to all former provisional members of the Authority to pay any outstanding contributions;

16. *Calls upon* States that have not done so to consider ratifying or acceding to the Agreement on the Privileges and Immunities of the Tribunal[8] and to the Protocol on the Privileges and Immunities of the Authority;[9]

VI. The continental shelf and the work of the Commission

17. *Encourages* States parties that are in a position to do so to make every effort to make submissions regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles to the Commission within the time period established by the Convention, taking into account the decision of the eleventh Meeting of States Parties to the Convention;[10]

18. *Approves* the convening by the Secretary-General of the thirteenth session of the Commission in New York from 26 to 30 April 2004 followed by two weeks of meetings of a subcommission in the event that a submission is made to the

[8] SPLOS/25.

[9] ISBA/4/A/8, annex.

[10] SPLOS/72.

Commission, and of the fourteenth session of the Commission from 30 August to 3 September 2004, also followed by two weeks of meetings of a subcommission in the event that a submission is made;

19. *Encourages* States and relevant international organizations and institutions to consider developing and making available training courses to assist developing States in the preparation of such submissions, based on the outline for a five-day training course[11] prepared by the Commission in order to facilitate the preparation of submissions in accordance with its Scientific and Technical Guidelines;[12]

VII. Capacity-building

20. *Calls upon* bilateral and multilateral donor agencies and international financial institutions to keep their programmes systematically under review to ensure the availability in all States, particularly in developing States, of the economic, legal, navigational, scientific and technical skills necessary for the full implementation of the Convention and the objectives of the present resolution as well as the sustainable development of the oceans and seas nationally, regionally and globally, and in so doing to bear in mind the rights of landlocked developing States;

21. *Calls upon* States and international financial institutions, including through bilateral, regional and global cooperation programmes and technical partnerships, to continue to strengthen capacity-building activities, in particular in developing countries, in the field of marine scientific research by, inter alia, training the necessary skilled personnel, providing the necessary equipment, facilities and vessels, and transferring environmentally sound technologies;

22. *Encourages* States to assist developing States, and especially least developed States and small island developing States, as well as coastal African States, on a bilateral and, where appropriate, regional level, in the preparation of submissions to the Commission, including the assessment of the nature of the continental shelf of a coastal State made in the form of a desktop study, and the mapping of the outer limits of its continental shelf;

VIII. Safety of navigation and flag State implementation

23. *Encourages* States to ratify or accede to international agreements addressing the safety of navigation and to adopt the necessary measures consistent with the Convention, aimed at implementing and enforcing the rules contained in those agreements;

24. *Urges* States and regional economic integration organizations to work within the framework of the International Maritime Organization and in accordance with the Convention and international rules and regulations regarding measures related to the phase-out of single-hull tankers, and welcome the organizations giving priority to the consideration of any proposals related thereto;

25. *Welcomes* the work of the International Maritime Organization in developing guidelines on places of refuge for ships in need of assistance, and

[11] CLCS/24 and Corr.1.

[12] CLCS/11 and Corr.1 and Add.1 and Corr.1.

encourages States to draw up plans and to establish procedures to implement those guidelines for ships in waters under their jurisdiction;

26. *Also welcomes* the adoption by the General Conference of the International Atomic Energy Agency at its forty-seventh session of resolution GC(47)/RES/7, concerning measures to strengthen international cooperation in nuclear, radiation and transport safety and waste management, including those aspects relating to maritime transport safety, in which it requested the Agency to develop an action plan, in consultation with its member States and for approval by the Board of the Agency, if possible in March 2004, based on the results of the International Conference on the Safety of Transport of Radioactive Material and within the Agency's competence;

27. *Urges* flag States without an effective maritime administration and appropriate legal frameworks to establish or enhance the necessary infrastructure, legislative and enforcement capabilities to ensure effective compliance with, and implementation and enforcement of, their responsibilities under international law and, until such action is undertaken, to consider declining the granting of the right to fly their flag to new vessels, suspending their registry or not opening a registry;

28. *Invites* the International Maritime Organization and other relevant competent international organizations to study, examine and clarify the role of the "genuine link" in relation to the duty of flag States to exercise effective control over ships flying their flag, including fishing vessels;

29. *Requests* the Secretary-General, in cooperation and consultation with relevant agencies, organizations and programmes of the United Nations system, to prepare and disseminate to States a comprehensive elaboration of the duties and obligations of flag States, including the potential consequences for non-compliance prescribed in the relevant international instruments;

30. *Encourages* the acceleration of the work of the International Maritime Organization in developing a voluntary model audit scheme and urges the organization to strengthen its draft implementation code;

31. *Welcomes* the work of the Food and Agriculture Organization of the United Nations in promoting compliance by States and their fishing vessels with conservation and management measures, and requests the International Maritime Organization and the Food and Agriculture Organization to enhance their cooperation and coordination in their efforts with regard to flag State duties relating thereto, including through the Inter-Agency Consultative Group on Flag State Implementation during the period of the Group's existence;

32. *Also welcomes* the work of the International Labour Organization to consolidate and modernize international maritime labour standards, and calls upon Member States to take an active interest in the development of these new standards for seafarers and fishers;

33. *Recognizes* the important role of port State controls in promoting the effective enforcement by flag States of, and compliance by shipowners and charterers with, flag States' and internationally agreed safety, labour and pollution standards, as well as maritime security regulations and conservation and management measures, and further encourages Member States to improve the exchange of appropriate information between port States control authorities;

34. *Invites* the International Maritime Organization to strengthen its functions with regard to port State control in relation to safety and pollution standards as well as maritime security regulations and, in collaboration with the International Labour Organization, labour standards so as to promote the implementation of globally agreed minimum standards by all States, and invites the Food and Agriculture Organization of the United Nations to continue its work in promoting port State measures in relation to fishing vessels in order to combat illegal, unreported and unregulated fishing;

35. *Calls upon* flag and port States to take all measures consistent with international law necessary to prevent the operation of sub-standard vessels and illegal, unreported and unregulated fishing activities;

36. *Urges* all States, in cooperation with the International Maritime Organization, to combat piracy and armed robbery at sea by adopting measures, including those relating to assistance with capacity-building through training of seafarers, port staff and enforcement personnel in the prevention, reporting and investigation of incidents bringing the alleged perpetrators to justice, in accordance with international law, and by adopting national legislation, as well as providing enforcement vessels and equipment and guarding against fraudulent ship registration;

37. *Calls upon* all States and relevant international bodies to cooperate in the prevention and combating of piracy and armed robbery at sea, and urges States to give urgent attention to promoting, concluding and implementing cooperation agreements, in particular at the regional level and in high-risk areas;

38. *Urges* States to become parties to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and its Protocol,[13] invites States to participate in the review of those instruments by the Legal Committee of the International Maritime Organization to strengthen the means of combating such unlawful acts, including terrorist acts, and further urges States to take appropriate measures to ensure the effective implementation of those instruments, in particular through the adoption of legislation, where appropriate, aimed at ensuring that there is a proper framework for responses to incidents of armed robbery and terrorist acts at sea;

39. *Calls upon* States to work together cooperatively and with the International Maritime Organization to strengthen measures to prevent the embarkation of ships involved in the smuggling of migrants;

40. *Once again urges* States that have not yet done so to become parties to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,[14] and to take appropriate measures to ensure its effective implementation;

41. *Welcomes* the work of the International Maritime Organization in developing amendments to the International Convention for the Safety of Life at Sea and to the International Convention on Maritime Search and Rescue on the delivery of persons rescued at sea to a place of safety;

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[13] International Maritime Organization publication, Sales No. 462.88.12E.

[14] Resolution 55/25, annex III.

IX. Capacity-building for the production of nautical charts

42. *Welcomes* the work of the International Hydrographic Organization and its fourteen regional hydrographic commissions and encourages increased membership of the organization, noting the organization's capacity to provide technical assistance, facilitate training and identify potential funding sources for the development or improvement of hydrographic services, and calls upon States and agencies to support the organization's trust fund and examine the possibility of partnerships with the private sector;

43. *Invites* the International Hydrographic Organization and the International Maritime Organization to continue their coordinated efforts, to jointly adopt measures with a view to encouraging greater international cooperation and coordination for the transition to electronic nautical charts and to increase the coverage of hydrographic information on a global basis, especially in the areas of international navigation and ports and where there are vulnerable or protected marine areas;

44. *Encourages* intensified efforts to build capacity for developing countries, in particular for the least developed countries and small island developing States, as well as coastal African States, to improve hydrographic services and the production of nautical charts, including the mobilization of resources and building of capacity with support from international financial institutions and the donor community, recognizing that economies of scale can apply in some instances at the regional level through shared facilities, technical capabilities and information for the provision of hydrographic services and the preparation of and access to nautical charts;

45. *Welcomes* the adoption of criteria and guidelines on the transfer of marine technology by the Intergovernmental Oceanographic Commission;[15]

X. Marine environment, marine resources and the protection of vulnerable marine ecosystems

46. *Emphasizes once again* the importance of the implementation of Part XII of the Convention in order to protect and preserve the marine environment and its living marine resources against pollution and physical degradation, and calls upon all States to cooperate and take measures, directly or through competent international organizations, for the protection and preservation of the marine environment;

47. *Calls upon* States to continue to prioritize action on marine pollution from land-based sources as part of their national sustainable development strategies and programmes, in an integrated and inclusive manner, as a means of implementing the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities;[16]

48. *Welcomes* the continued work of States, the United Nations Environment Programme and regional organizations in the implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, and encourages increased emphasis on the link between freshwater, the coastal zone and marine resources in the implementation of the Millennium

[15] IOC-XXII/2, Annex 12 Rev.
[16] A/51/116, annex II.

Development Goals, taking into account the time-bound targets in the Johannesburg Plan of Implementation,[17] in particular the target on sanitation, and the Monterrey Consensus of the International Conference on Financing for Development;[18]

49. *Calls upon* States to advance the implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities[16] and the Montreal Declaration on the Protection of the Marine Environment from Land-based Activities,[19] to enhance maritime safety and the protection of the marine environment from pollution and other physical impacts, and to improve the scientific understanding and assessment of marine and coastal ecosystems as a fundamental basis for sound decision-making through the actions identified in the Johannesburg Plan of Implementation;[17]

50. *Welcomes* the work of the Convention on Biological Diversity, the Food and Agriculture Organization of the United Nations and other relevant global and regional organizations in the development of strategies and programmes for the implementation of an integrated ecosystem-based approach to management, and urges those organizations to cooperate in the development of practical guidance in this regard;

51. *Reiterates its call* for urgent consideration of ways to integrate and improve, on a scientific basis, the management of risks to the marine biodiversity of seamounts, cold-water coral reefs and certain other underwater features;

52. *Invites* the relevant global and regional bodies, in accordance with their mandates, to investigate urgently how to better address, on a scientific basis, including the application of precaution, the threats and risks to vulnerable and threatened marine ecosystems and biodiversity in areas beyond national jurisdiction; how existing treaties and other relevant instruments can be used in this process consistent with international law, in particular with the Convention, and with the principles of an integrated ecosystem-based approach to management, including the identification of those marine ecosystem types that warrant priority attention; and to explore a range of potential approaches and tools for their protection and management; and requests the Secretary-General to cooperate and liaise with those bodies and to submit an addendum to his annual report to the General Assembly at its fifty-ninth session, describing the threats and risks to such marine ecosystems and biodiversity in areas beyond national jurisdiction as well as details on any conservation and management measures in place at the global, regional, subregional or national levels addressing these issues;

53. *Notes* the scientific and technical work under the Convention on Biological Diversity relating to marine and coastal biodiversity;

54. *Reaffirms* the efforts of States to develop and facilitate the use of diverse approaches and tools for conserving and managing vulnerable marine ecosystems, including the establishment of marine protected areas, consistent with international

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[17] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum) chap. I, resolution 2, annex.

[18] *Report of the International Conference on Financing for Development, Monterrey, Mexico, 18-22 March 2002* (United Nations publication, Sales No. E.02.II.A.7), chap. I, resolution 1, annex.

[19] E/CN.17/2002/PC.2/15, annex, sect. 1.

law and based on the best scientific information available, and the development of representative networks of such marine protected areas by 2012;

55. *Encourages* States, in accordance with the Convention and other relevant instruments, either bilaterally or regionally, to jointly develop and promote contingency plans for responding to pollution incidents, as well as other incidents that are likely to have significant adverse effects on marine biodiversity;

56. *Urges* States and relevant global and regional bodies to enhance their cooperation in the protection and preservation of coral reefs, mangroves and seagrass beds, including through the exchange of information;

57. *Reiterates its support* for the International Coral Reef Initiative and welcomes the outcomes of the Second International Tropical Marine Ecosystems Management Symposium held in Manila in 2003, supports the work under the Jakarta Mandate on the Conservation and Sustainable Use of Marine and Coastal Biological Diversity,[20] and notes that the International Coral Reef Initiative and other relevant bodies are considering incorporating cold-water coral ecosystems into their programmes of activities;

58. *Encourages* States to cooperate, directly or through competent international bodies, in exchanging information in the event of accidents involving foreign vessels on coral reefs, and in promoting the development of economic assessment techniques for both restoration and non-use values of coral reef systems;

59. *Emphasizes* the need to mainstream coral reef management approaches into national development strategies, as well as into the activities of relevant United Nations agencies and programmes, international financial institutions and the donor community;

60. *Welcomes* the convening by the International Maritime Organization of a diplomatic conference to adopt an international convention for the control and management of ships' ballast waters and sediments;

61. *Notes with interest* the ongoing discussions in the Marine Environment Protection Committee of the International Maritime Organization on the designation of the western European Atlantic coast and the English Channel as a particularly sensitive sea area, and encourages the organization to consider the eventual adoption of the proposed associated protective measure as long as it is consistent with the Convention;

XI. Regional cooperation

62. *Emphasizes once again* the importance of regional organizations and arrangements for cooperation and coordination in integrated oceans management, and, where there are separate regional structures for different aspects of oceans management, such as environmental protection, fisheries management, navigation, scientific research and maritime delimitation, calls for those different structures, where appropriate, to work together for optimal cooperation and coordination;

63. *Notes* that there have been a number of initiatives at the regional level, in various regions, to further the implementation of the Convention, and in this context notes the results of the Second Plenary Meeting of the Conference on Maritime

[20] A/51/312, annex II, decision II/10.

Delimitation in the Caribbean, held in Mexico City on 13 and 14 October 2003, as well as of the functioning of its Caribbean-focused Assistance Fund, which is intended to facilitate, mainly through technical assistance, the voluntary undertaking of maritime delimitation negotiations between Caribbean States, takes note once again of the Fund for Peace: Peaceful Settlement of Territorial Disputes established by the General Assembly of the Organization of American States in 2000 as a primary mechanism, given its broader regional scope, for the prevention and resolution of pending territorial, land border and maritime boundary disputes, and calls upon States and others in a position to do so to contribute to these Funds;

XII. Regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects

64. *Welcomes* the report of the Secretary-General containing proposals on modalities for the establishment of a regular process under the United Nations for global reporting and assessment of the state of the marine environment, including socio-economic aspects,[21] and requests the Secretary-General, in close collaboration with Member States, relevant organizations and agencies and programmes of the United Nations system, other competent intergovernmental organizations and relevant non-governmental organizations, to take the following steps to establish the regular process by 2004:

(a) Convene a group of experts of no more than twenty-four participants comprising representatives of States, including all regional groups, and representatives from intergovernmental organizations and non-governmental organizations, including both scientists and policy makers, to produce, including through the possibility of hiring a consultant, a draft document with details on the scope, general framework and outline of the regular process, peer review, secretariat, capacity-building and funding, and to consider, review and refine the draft document;

(b) Transmit the draft document to States and relevant intergovernmental organizations, non-governmental organizations, scientific associations, funding mechanisms and other parties for written comments and for indication of specific issues to be addressed in the first assessment;

(c) Request the group of experts to revise the draft document in the light of comments made;

(d) Convene an international workshop with representatives from all interested parties, in conjunction with the fifth meeting of the Consultative Process, to further consider and review the draft document;

(e) Convene an intergovernmental meeting to finalize and adopt the document and to formally establish the regular process;

65. *Accepts* the offer of the Government of Iceland to host this intergovernmental meeting in Reykjavik in 2004, in accordance with paragraph 17 of General Assembly resolution 47/202 A of 22 December 1992;

66. *Requests* the Secretary-General to report to the General Assembly at its fifty-ninth session on the development of the regular process;

[21] A/58/423.

XIII. Open-ended informal consultative process on oceans and the law of the sea

67. *Requests* the Secretary-General to convene the fifth meeting of the Consultative Process in New York from 7 to 11 June 2004, and to provide it with the necessary facilities for the performance of its work and to arrange for support to be provided by the Division for Ocean Affairs and the Law of the Sea, in cooperation with other relevant parts of the Secretariat, including the Division for Sustainable Development of the Department of Economic and Social Affairs, as appropriate;

68. *Recommends* that, in its deliberations on the report of the Secretary-General on oceans and the law of the sea at its meeting, the Consultative Process should organize its discussions around the following areas:

New sustainable uses of the oceans, including the conservation and management of the biological diversity of the seabed in areas beyond national jurisdiction;

as well as issues discussed at previous meetings;

XIV. Inter-agency coordination and cooperation

69. *Reiterates its request* to the Secretary-General to establish an effective, transparent and regular inter-agency coordinating mechanism for issues relating to oceans and seas within the United Nations system, taking into account paragraph 49 of Part A of the report of the Consultative Process at its third meeting;[22]

70. *Requests* the Secretary-General to bring the present resolution to the attention of heads of intergovernmental organizations, the specialized agencies and funds and programmes of the United Nations engaged in activities relating to ocean affairs and the law of the sea, drawing their attention to paragraphs of particular relevance to them, and underlines the importance of their constructive and timely input for the report of the Secretary-General on oceans and the law of the sea and of their participation in relevant meetings and processes;

71. *Invites* the competent international organizations, as well as funding institutions, to take specific account of the present resolution in their programmes and activities and to contribute to the preparation of the comprehensive report of the Secretary-General on oceans and the law of the sea;

XV. Activities of the Division for Ocean Affairs and the Law of the Sea

72. *Expresses its appreciation* to the Secretary-General for the annual comprehensive report on oceans and the law of the sea,[4] prepared by the Division for Ocean Affairs and the Law of the Sea, as well as for the other activities of the Division, in accordance with the provisions of the Convention and the mandate set forth in resolutions 49/28, 52/26, 54/33 and 56/12;

73. *Requests* the Secretary-General to continue to carry out the responsibilities entrusted to him in the Convention and related resolutions of the General Assembly, including resolutions 49/28 and 52/26, and to ensure that appropriate resources are made available to the Division for Ocean Affairs and the Law of the Sea for the performance of such responsibilities under the approved budget for the Organization;

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[22] See A/57/80.

74. *Invites* Member States and others in a position to do so to support the training activities under the TRAIN-SEA-COAST Programme of the Division for Ocean Affairs and the Law of the Sea;

XVI. Trust funds and fellowships

75. *Recognizes* the importance of assisting developing countries, in particular the least developed countries and small island developing States, in implementing the Convention, and urges States, intergovernmental organizations and agencies, national institutions, non-governmental organizations and international financial institutions, as well as natural and juridical persons, to make voluntary financial or other contributions to the trust funds as referred to in resolution 57/141, established for this purpose;

76. *Also recognizes* the importance of the Trust Fund for preparation of submissions to the Commission on the Limits of the Continental Shelf in assisting developing States, in particular the least developed countries and small island developing States, in preparing their submissions where their continental shelves extend beyond 200 nautical miles and, in order to facilitate the management of the Trust Fund, amends, as set out in the annex to the present resolution, sections 1, 4 and 6 of the terms of reference, guidelines and rules of the Trust Fund, as contained in annex II to General Assembly resolution 55/7 of 30 October 2000, in accordance with paragraph 31 thereof;

77. *Urges* Member States and others in a position to do so to contribute to the further development of the Hamilton Shirley Amerasinghe Memorial Fellowship Programme on the Law of the Sea established by the General Assembly in its resolution 35/116 of 10 December 1980;

XVII. Fifty-ninth session of the General Assembly

78. *Requests* the Secretary-General to report to the General Assembly at its fifty-ninth session on the implementation of the present resolution, including other developments and issues relating to ocean affairs and the law of the sea, in connection with his annual comprehensive report on oceans and the law of the sea, and to provide the report in accordance with the modalities set out in resolutions 49/28, 52/26 and 54/33, and also requests the Secretary-General to make the report available, in its current comprehensive format, at least six weeks in advance of the meeting of the Consultative Process;

79. *Decides* to include in the provisional agenda of its fifty-ninth session the item entitled "Oceans and the law of the sea".

Annex

Amendments to the terms of reference, guidelines and rules of the Trust Fund for the purpose of facilitating the preparation of submissions to the Commission on the Limits of the Continental Shelf for developing States, in particular the least developed countries and small island developing States, and compliance with article 76 of the United Nations Convention on the Law of the Sea

1. Reasons for establishing the Trust Fund

In paragraph 2, the last sentence should be amended to read:

"For some States a submission should be made by 16 November 2004."

4. Application for financial assistance

In paragraph 17, amend sub-item (a) (iv) to read:

"(iv) The curriculum vitae of the trainees, including their date of birth;"

6. Granting of assistance

Amend paragraph 23 to read:

"23. The Secretary-General will provide financial assistance from the Fund for requests approved on the basis of the evaluation and recommendation of the Division on the advice of the Panel of Experts. Payments will be processed by the Organization in accordance with standard practices."

United Nations A/58/L.20

General Assembly

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Fifty-eighth session
Agenda item 43
Return or restitution of cultural property to the countries of origin

Afghanistan, Albania, Algeria, Argentina, Armenia, Australia, Azerbaijan, Belarus, Benin, Bolivia, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, China, Colombia, Congo, Costa Rica, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, Gambia, Georgia, Ghana, Greece, Guatemala, Hungary, Iceland, India, Indonesia, Italy, Lebanon, Madagascar, Mongolia, Niger, Pakistan, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Serbia and Montenegro, Suriname, Switzerland, the former Yugoslav Republic of Macedonia, Togo, Tonga, Ukraine and United States of America: draft resolution

Return or restitution of cultural property to the countries of origin

The General Assembly,

Reaffirming the relevant provisions of the Charter of the United Nations,

Recalling its resolutions 3026 A (XXVII) of 18 December 1972, 3148 (XXVIII) of 14 December 1973, 3187 (XXVIII) of 18 December 1973, 3391 (XXX) of 19 November 1975, 31/40 of 30 November 1976, 32/18 of 11 November 1977, 33/50 of 14 December 1978, 34/64 of 29 November 1979, 35/127 and 35/128 of 11 December 1980, 36/64 of 27 November 1981, 38/34 of 25 November 1983, 40/19 of 21 November 1985, 42/7 of 22 October 1987, 44/18 of 6 November 1989, 46/10 of 22 October 1991, 48/15 of 2 November 1993, 50/56 of 11 December 1995, 52/24 of 25 November 1997, 54/190 of 17 December 1999 and 56/97 of 14 December 2001,

Recalling also its resolution 56/8 of 21 November 2001, in which it proclaimed the year 2002 as the United Nations Year for Cultural Heritage,

Recalling further the Convention for the Protection of Cultural Property in the Event of Armed Conflict, adopted at The Hague on 14 May 1954,[1] and the two Protocols thereto, adopted in 1954 and 1999,

Recalling the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted on 14

[1] United Nations, *Treaty Series*, vol. 249, No. 3511.

03-62139 (E) 211103

November 1970 by the General Conference of the United Nations Educational, Scientific and Cultural Organization,[2]

Recalling also the Convention concerning the Protection of the World Cultural and Natural Heritage, adopted on 16 November 1972 by the General Conference of the United Nations Educational, Scientific and Cultural Organization,[3]

Recalling further the Convention on Stolen or Illegally Exported Cultural Objects of the International Institute for the Unification of Private Law, adopted in Rome on 24 June 1995,[4]

Taking note of the adoption of the Convention on the Protection of the Underwater Cultural Heritage by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 2 November 2001,[5]

Recalling the Medellin Declaration for Cultural Diversity and Tolerance and the Plan of Action on Cultural Cooperation, adopted at the first Meeting of the Ministers of Culture of the Movement of Non-Aligned Countries, held in Medellin, Colombia, on 4 and 5 September 1997,[6]

Noting the adoption of the Universal Declaration on Cultural Diversity and the Action Plan for its implementation by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 2 November 2001,[5]

Welcoming the report of the Secretary-General submitted in cooperation with the Director-General of the United Nations Educational, Scientific and Cultural Organization,[7]

Aware of the importance attached by some countries of origin to the return of cultural property that is of fundamental spiritual and cultural value to them, so that they may constitute collections representative of their cultural heritage,

Expressing concern about the illicit traffic in cultural property and its damage to the cultural heritage of nations,

Expressing concern also about the loss, destruction, removal, theft, pillage, illicit movement or misappropriation of and any acts of vandalism or damage directed against cultural property, in particular in areas of armed conflict, including territories that are occupied, whether such conflicts are international or internal,

Recalling Security Council resolution 1483 (2003) adopted on 22 May 2003, in particular paragraph 7 relating to the restitution of the cultural property of Iraq,

1. *Commends* the United Nations Educational, Scientific and Cultural Organization and the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation on the work they have accomplished, in particular through the promotion of bilateral negotiations, for the return or restitution of cultural property,

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[2] See United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Sixteenth Session, Paris, 12 October-14 November 1970*, vol. 1: *Resolutions*.

[3] United Nations, *Treaty Series*, vol. 1037, No. 15511.

[4] See www.unidroit.org.

[5] See United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Thirty-first Session, Paris, 15 October-3 November 2001*, vol. 1: *Resolutions*.

[6] A/52/432, annex I.

[7] See A/58/314.

the preparation of inventories of movable cultural property and the implementation of the Object ID standard related thereto, as well as for the reduction of illicit traffic in cultural property and the dissemination of information to the public;

2. *Calls upon* all relevant bodies, agencies, funds and programmes of the United Nations system and other relevant intergovernmental organizations to work in coordination with the United Nations Educational, Scientific and Cultural Organization, within their mandates and in cooperation with Member States, in order to continue to address the issue of return or restitution of cultural property to the countries of origin and to provide appropriate support therefor;

3. *Welcomes* the adoption of the Declaration concerning the Intentional Destruction of Cultural Heritage by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 17 October 2003;

4. *Reaffirms* the importance of the principles and provisions of the Convention for the Protection of Cultural Property in the Event of Armed Conflict,[1] and invites Member States that have not already done so to become parties to the Convention and to promote its implementation;

5. *Also reaffirms* the importance of the Second Protocol to the Convention, adopted at The Hague on 26 March 1999, and invites all States Parties to the Convention to consider becoming parties to the Second Protocol;

6. *Welcomes* the latest efforts made by the United Nations Educational, Scientific and Cultural Organization for the protection of the cultural heritage of countries in conflict, including the safe return to those countries of cultural property and other items of archaeological, historical, cultural, rare scientific and religious importance that have been illegally removed, and calls upon the international community to contribute to this effort;

7. *Invites* Member States to consider adopting and implementing the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property;[2]

8. *Urges* Member States to introduce effective national and international measures to prevent and combat illicit trafficking in cultural property, including special training for police, customs and border services;

9. *Reaffirms* the importance of the provisions of the Convention on Stolen or Illegally Exported Cultural Objects of the UNIDROIT,[4] and invites Member States that have not already done so to consider becoming parties to it;

10. *Invites* Member States, in cooperation with the United Nations Educational, Scientific and Cultural Organization, to continue to draw up systematic inventories of their cultural property, as well as to work towards the creation of a database of the cultural legislation of Member States, in particular in an electronic form;

11. *Reaffirms* the efforts of the United Nations Educational, Scientific and Cultural Organization to promote the use of identification systems, in particular the application of the Object ID standard, and to encourage the linking of identification systems and existing databases, including the one developed by the International Criminal Police Organization-Interpol, to allow for the electronic transmission of information in order to reduce illicit trafficking in cultural property, and encourages

the United Nations Educational, Scientific and Cultural Organization to make further efforts in this regard, in cooperation with Member States, where appropriate;

12. *Recognizes* the public awareness and increased mobilization and action in favour of heritage values that was achieved in 2002, the United Nations Year for Cultural Heritage, and calls upon the international community and the United Nations to continue to cooperate with the United Nations Educational, Scientific and Cultural Organization on the basis of that work;

13. *Welcomes* the adoption of the International Code of Ethics for Dealers in Cultural Property by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 16 November 1999,[8] and invites those who deal with trade in cultural property and their associations, where they exist, to encourage the implementation of the Code;

14. *Recognizes* the importance of the creation by the General Conference of the United Nations Educational, Scientific and Cultural Organization of the International Fund for the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation, launched in November 2000, and encourages the United Nations Educational, Scientific and Cultural Organization to promote the Fund and render it operational;

15. *Requests* the Secretary-General to cooperate with the United Nations Educational, Scientific and Cultural Organization in its efforts to bring about the attainment of the objectives of the present resolution;

16. *Also requests* the Secretary-General, in cooperation with the Director-General of the United Nations Educational, Scientific and Cultural Organization, to submit to the General Assembly at its sixtieth session a report on the implementation of the present resolution;

17. *Decides* to include in the provisional agenda of its sixtieth session the item entitled "Return or restitution of cultural property to the countries of origin".

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[8] See United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Thirtieth Session, Paris, 26 October-17 November 1999*, vol. 1: *Resolutions*.

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General Assembly

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Fifty-eighth session
Agenda item 43
Return or restitution of cultural property to the countries of origin

Afghanistan, Albania, Algeria, Argentina, Armenia, Australia, Azerbaijan, Belarus, Benin, Bolivia, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, China, Colombia, Congo, Costa Rica, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, Gambia, Georgia, Ghana, Greece, Guatemala, Hungary, Iceland, India, Indonesia, Italy, Lebanon, Madagascar, Mongolia, Niger, Pakistan, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Serbia and Montenegro, Suriname, Switzerland, the former Yugoslav Republic of Macedonia, Togo, Tonga, Ukraine and United States of America: draft resolution

Return or restitution of cultural property to the countries of origin

The General Assembly,

Reaffirming the relevant provisions of the Charter of the United Nations,

Recalling its resolutions 3026 A (XXVII) of 18 December 1972, 3148 (XXVIII) of 14 December 1973, 3187 (XXVIII) of 18 December 1973, 3391 (XXX) of 19 November 1975, 31/40 of 30 November 1976, 32/18 of 11 November 1977, 33/50 of 14 December 1978, 34/64 of 29 November 1979, 35/127 and 35/128 of 11 December 1980, 36/64 of 27 November 1981, 38/34 of 25 November 1983, 40/19 of 21 November 1985, 42/7 of 22 October 1987, 44/18 of 6 November 1989, 46/10 of 22 October 1991, 48/15 of 2 November 1993, 50/56 of 11 December 1995, 52/24 of 25 November 1997, 54/190 of 17 December 1999 and 56/97 of 14 December 2001,

Recalling also its resolution 56/8 of 21 November 2001, in which it proclaimed the year 2002 as the United Nations Year for Cultural Heritage,

Recalling further the Convention for the Protection of Cultural Property in the Event of Armed Conflict, adopted at The Hague on 14 May 1954,[1] and the two Protocols thereto, adopted in 1954 and 1999,

* Reissued for technical reasons.

[1] United Nations, *Treaty Series*, vol. 249, No. 3511.

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Recalling the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted on 14 November 1970 by the General Conference of the United Nations Educational, Scientific and Cultural Organization,[2]

Recalling also the Convention concerning the Protection of the World Cultural and Natural Heritage, adopted on 16 November 1972 by the General Conference of the United Nations Educational, Scientific and Cultural Organization,[3]

Recalling further the Convention on Stolen or Illegally Exported Cultural Objects of the International Institute for the Unification of Private Law, adopted in Rome on 24 June 1995,[4]

Taking note of the adoption of the Convention on the Protection of the Underwater Cultural Heritage by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 2 November 2001,[5]

Recalling the Medellin Declaration for Cultural Diversity and Tolerance and the Plan of Action on Cultural Cooperation, adopted at the first Meeting of the Ministers of Culture of the Movement of Non-Aligned Countries, held in Medellin, Colombia, on 4 and 5 September 1997,[6]

Noting the adoption of the Universal Declaration on Cultural Diversity and the Action Plan for its implementation by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 2 November 2001,[5]

Welcoming the report of the Secretary-General submitted in cooperation with the Director-General of the United Nations Educational, Scientific and Cultural Organization,[7]

Aware of the importance attached by some countries of origin to the return of cultural property that is of fundamental spiritual and cultural value to them, so that they may constitute collections representative of their cultural heritage,

Expressing concern about the illicit traffic in cultural property and its damage to the cultural heritage of nations,

Expressing concern also about the loss, destruction, removal, theft, pillage, illicit movement or misappropriation of and any acts of vandalism or damage directed against cultural property, in particular in areas of armed conflict, including territories that are occupied, whether such conflicts are international or internal,

Recalling Security Council resolution 1483 (2003) adopted on 22 May 2003, in particular paragraph 7 relating to the restitution of the cultural property of Iraq,

1. *Commends* the United Nations Educational, Scientific and Cultural Organization and the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit

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[2] See United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Sixteenth Session, Paris, 12 October-14 November 1970*, vol. 1: *Resolutions*.

[3] United Nations, *Treaty Series*, vol. 1037, No. 15511.

[4] See www.unidroit.org.

[5] See United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Thirty-first Session, Paris, 15 October-3 November 2001*, vol. 1: *Resolutions*.

[6] A/52/432, annex I.

[7] See A/58/314.

Appropriation on the work they have accomplished, in particular through the promotion of bilateral negotiations, for the return or restitution of cultural property, the preparation of inventories of movable cultural property and the implementation of the Object ID standard related thereto, as well as for the reduction of illicit traffic in cultural property and the dissemination of information to the public;

2. *Calls upon* all relevant bodies, agencies, funds and programmes of the United Nations system and other relevant intergovernmental organizations to work in coordination with the United Nations Educational, Scientific and Cultural Organization, within their mandates and in cooperation with Member States, in order to continue to address the issue of return or restitution of cultural property to the countries of origin and to provide appropriate support accordingly;

3. *Welcomes* the adoption of the Declaration concerning the Intentional Destruction of Cultural Heritage by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 17 October 2003;

4. *Reaffirms* the importance of the principles and provisions of the Convention for the Protection of Cultural Property in the Event of Armed Conflict,[1] and invites Member States that have not already done so to become parties to the Convention and to promote its implementation;

5. *Also reaffirms* the importance of the Second Protocol to the Convention, adopted at The Hague on 26 March 1999, and invites all States Parties to the Convention to consider becoming parties to the Second Protocol;

6. *Welcomes* the latest efforts made by the United Nations Educational, Scientific and Cultural Organization for the protection of the cultural heritage of countries in conflict, including the safe return to those countries of cultural property and other items of archaeological, historical, cultural, rare scientific and religious importance that have been illegally removed, and calls upon the international community to contribute to this effort;

7. *Invites* Member States to consider adopting and implementing the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property;[2]

8. *Urges* Member States to introduce effective national and international measures to prevent and combat illicit trafficking in cultural property, including special training for police, customs and border services;

9. *Reaffirms* the importance of the provisions of the Convention on Stolen or Illegally Exported Cultural Objects of the UNIDROIT,[4] and invites Member States that have not already done so to consider becoming parties to it;

10. *Invites* Member States, in cooperation with the United Nations Educational, Scientific and Cultural Organization, to continue to draw up systematic inventories of their cultural property, as well as to work towards the creation of a database of the cultural legislation of Member States, in particular in an electronic form;

11. *Reaffirms* the efforts of the United Nations Educational, Scientific and Cultural Organization to promote the use of identification systems, in particular the application of the Object ID standard, and to encourage the linking of identification systems and existing databases, including the one developed by the International

Criminal Police Organization-Interpol, to allow for the electronic transmission of information in order to reduce illicit trafficking in cultural property, and encourages the United Nations Educational, Scientific and Cultural Organization to make further efforts in this regard, in cooperation with Member States, where appropriate;

12. *Recognizes* the public awareness and increased mobilization and action in favour of heritage values that was achieved in 2002, the United Nations Year for Cultural Heritage, and calls upon the international community and the United Nations to continue to cooperate with the United Nations Educational, Scientific and Cultural Organization on the basis of that work;

13. *Welcomes* the adoption of the International Code of Ethics for Dealers in Cultural Property by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 16 November 1999,[8] and invites those who deal with trade in cultural property and their associations, where they exist, to encourage the implementation of the Code;

14. *Recognizes* the importance of the creation by the General Conference of the United Nations Educational, Scientific and Cultural Organization of the International Fund for the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation, launched in November 2000, and encourages the United Nations Educational, Scientific and Cultural Organization to promote the Fund and render it operational;

15. *Requests* the Secretary-General to cooperate with the United Nations Educational, Scientific and Cultural Organization in its efforts to bring about the attainment of the objectives of the present resolution;

16. *Also requests* the Secretary-General, in cooperation with the Director-General of the United Nations Educational, Scientific and Cultural Organization, to submit to the General Assembly at its sixtieth session a report on the implementation of the present resolution;

17. *Decides* to include in the provisional agenda of its sixtieth session the item entitled "Return or restitution of cultural property to the countries of origin".

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[8] See United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Thirtieth Session, Paris, 26 October-17 November 1999*, vol. 1: *Resolutions*.

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Fifty-eighth session
Agenda item 43
Return or restitution of cultural property to the countries of origin

Afghanistan, Albania, Algeria, Argentina, Armenia, Australia, Azerbaijan, Belarus, Benin, Bolivia, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, China, Colombia, Congo, Costa Rica, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, Gambia, Georgia, Ghana, Greece, Guatemala, Hungary, Iceland, India, Indonesia, Italy, Lebanon, Madagascar, Mongolia, Niger, Pakistan, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Serbia and Montenegro, Suriname, Switzerland, the former Yugoslav Republic of Macedonia, Togo, Tonga, Ukraine and United States of America: draft resolution

Return or restitution of cultural property to the countries of origin

Addendum

Add the following countries to the list of sponsors of the draft resolution:

Bosnia and Herzegovina, Germany, Mauritania, Nepal and Tunisia

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General Assembly

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Fifty-eighth session
Agenda item 19
Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Côte d'Ivoire, Cuba, Fiji, Grenada and Saint Lucia: draft resolution

Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

The General Assembly,

Having examined the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,[1]

Recalling its resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and all its subsequent resolutions concerning the implementation of the Declaration, most recently resolution 57/140 of 20 February 2003, as well as the relevant resolutions of the Security Council,

Bearing in mind the declaration of the period 2001-2010 as the Second International Decade for the Eradication of Colonialism, and the need to examine ways to ascertain the wishes of the peoples of the Non-Self-Governing Territories on the basis of resolution 1514 (XV) and other relevant resolutions on decolonization,

Recognizing that the eradication of colonialism has been one of the priorities of the Organization and continues to be one of its priorities for the decade that began in 2001,

Reconfirming the need to take measures to eliminate colonialism before 2010, as called for in its resolution 55/146 of 8 December 2000,

Reiterating its conviction of the need for the eradication of colonialism, as well as of racial discrimination and violations of basic human rights,

Noting with satisfaction the achievements of the Special Committee in contributing to the effective and complete implementation of the Declaration and other relevant resolutions of the United Nations on decolonization,

[1] See *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 23* (A/58/23).

03-62256 (E) 211103

Stressing the importance of the participation of the administering Powers in the work of the Special Committee,

Noting with concern that the non-participation of certain administering Powers has adversely affected the implementation of the mandate and work of the Special Committee,

Noting with satisfaction the cooperation and active participation of some administering Powers in the work of the Special Committee,

Noting that the other administering Powers have now agreed to work informally with the Special Committee,

Taking note of the consultations and agreements between the parties concerned in some Non-Self-Governing Territories and the action taken by the Secretary-General in relation to certain Non-Self-Governing Territories,

Aware of the pressing need of newly independent and emerging States for assistance from the United Nations and its system of organizations in the economic, social and other fields,

Aware also of the pressing need of many of the remaining Non-Self-Governing Territories, many of which are small island Territories, for economic, social and other assistance from the United Nations and the organizations of its system,

Taking special note of the fact that, for the first time in a non-self-governing Territory, the Special Committee held a Caribbean regional seminar on advancing the decolonization process in the Caribbean and Bermuda in Anguilla from 20 to 22 May 2003,[2]

1. *Reaffirms* its resolution 1514 (XV) and all other resolutions and decisions on decolonization, including its resolution 55/146, in which it declares the period 2001-2010 the Second International Decade for the Eradication of Colonialism, and calls upon the administering Powers, in accordance with those resolutions, to take all necessary steps to enable the peoples of the Non-Self-Governing Territories concerned to exercise fully as soon as possible their right to self-determination, including independence;

2. *Reaffirms once again* that the existence of colonialism in any form or manifestation, including economic exploitation, is incompatible with the Charter of the United Nations, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Universal Declaration of Human Rights;[3]

3. *Reaffirms its determination* to continue to take all steps necessary to bring about the complete and speedy eradication of colonialism and the faithful observance by all States of the relevant provisions of the Charter, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Universal Declaration of Human Rights;

4. *Affirms once again its support* for the aspirations of the peoples under colonial rule to exercise their right to self-determination, including independence, in accordance with relevant resolutions of the United Nations on decolonization;

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[2] See *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 23* (A/58/23), chap. II, annex.

[3] Resolution 217 A (III).

5. *Approves* the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples covering its work during 2003, including the programme of work envisaged for 2004;[4]

6. *Calls upon* the administering Powers to cooperate fully with the Special Committee to finalize before the end of 2004 a constructive programme of work on a case-by-case basis for the Non-Self-Governing Territories to facilitate the implementation of the mandate of the Special Committee and the relevant resolutions on decolonization, including resolutions on specific Territories;

7. *Welcomes* the ongoing consultations between the Special Committee and New Zealand, as administering Power for Tokelau, with the participation of representatives of the people of Tokelau, with a view to advancing the programme of work on the question of Tokelau;

8. *Requests* the Special Committee to continue to seek suitable means for the immediate and full implementation of the Declaration and to carry out the actions approved by the General Assembly regarding the International Decade for the Eradication of Colonialism and the Second International Decade in all Territories that have not yet exercised their right to self-determination, including independence, and in particular:

(a) To formulate specific proposals to bring about an end to colonialism and to report thereon to the General Assembly at its fifty-ninth session;

(b) To continue to examine the implementation by Member States of resolution 1514 (XV) and other relevant resolutions on decolonization;

(c) To continue to examine the political, economic and social situation in the Non-Self-Governing Territories, and to recommend, as appropriate, to the General Assembly the most suitable steps to be taken to enable the populations of those Territories to exercise their right to self-determination, including independence, in accordance with relevant resolutions on decolonization, including resolutions on specific Territories;

(d) To finalize before the end of 2004 a constructive programme of work on a case-by-case basis for the Non-Self-Governing Territories to facilitate the implementation of the mandate of the Special Committee and the relevant resolutions on decolonization, including resolutions on specific Territories;

(e) To continue to dispatch visiting missions to the Non-Self-Governing Territories in accordance with relevant resolutions on decolonization, including resolutions on specific Territories;

(f) To conduct seminars, as appropriate, for the purpose of receiving and disseminating information on the work of the Special Committee, and to facilitate participation by the peoples of the Non-Self-Governing Territories in those seminars;

(g) To take all necessary steps to enlist worldwide support among Governments, as well as national and international organizations, for the

[4] See *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 23* (A/58/23), chap. I, sect. J.

achievement of the objectives of the Declaration and the implementation of the relevant resolutions of the United Nations;

(h) To observe annually the Week of Solidarity with the Peoples of Non-Self-Governing Territories;[5]

9. *Calls upon* all States, in particular the administering Powers, as well as the specialized agencies and other organizations of the United Nations system, to give effect within their respective spheres of competence to the recommendations of the Special Committee for the implementation of the Declaration and other relevant resolutions of the United Nations;

10. *Calls upon* the administering Powers to ensure that the economic activities in the Non-Self-Governing Territories under their administration do not adversely affect the interests of the peoples but instead promote development, and to assist them in the exercise of their right to self-determination;

11. *Urges* the administering Powers concerned to take effective measures to safeguard and guarantee the inalienable rights of the peoples of the Non-Self-Governing Territories to their natural resources, including land, and to establish and maintain control over the future development of those resources, and requests the administering Powers to take all necessary steps to protect the property rights of the peoples of those Territories;

12. *Urges* all States, directly and through their action in the specialized agencies and other organizations of the United Nations system, to provide moral and material assistance to the peoples of the Non-Self-Governing Territories, and requests that the administering Powers take steps to enlist and make effective use of all possible assistance, on both a bilateral and a multilateral basis, in the strengthening of the economies of those Territories;

13. *Reaffirms* that the United Nations visiting missions to the Territories are an effective means of ascertaining the situation in the Territories, as well as the wishes and aspirations of their inhabitants, and calls upon the administering Powers to continue to cooperate with the Special Committee in the discharge of its mandate and to facilitate visiting missions to the Territories;

14. *Calls upon* the administering Powers that have not participated formally in the work of the Special Committee to do so at its session in 2004;

15. *Requests* the Secretary-General, the specialized agencies and other organizations of the United Nations system to provide economic, social and other assistance to the Non-Self-Governing Territories and to continue to do so, as appropriate, after they exercise their right to self-determination, including independence;

16. *Requests* the Secretary-General to provide the Special Committee with the facilities and services required for the implementation of the present resolution, as well as of the other resolutions and decisions on decolonization adopted by the General Assembly and the Special Committee.

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[5] See resolution 2911 (XXVII).

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General Assembly

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26 November 2003

Original: English

Fifty-eighth session
Agenda item 19
Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Côte d'Ivoire, Cuba, Fiji, Grenada and Saint Lucia: draft resolution

Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

The General Assembly,

Having examined the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,[1]

Recalling its resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and all its subsequent resolutions concerning the implementation of the Declaration, most recently resolution 57/140 of 11 December 2002, as well as the relevant resolutions of the Security Council,

Bearing in mind the declaration of the period 2001-2010 as the Second International Decade for the Eradication of Colonialism, and the need to examine ways to ascertain the wishes of the peoples of the Non-Self-Governing Territories on the basis of resolution 1514 (XV) and other relevant resolutions on decolonization,

Recognizing that the eradication of colonialism has been one of the priorities of the Organization and continues to be one of its priorities for the decade that began in 2001,

Reconfirming the need to take measures to eliminate colonialism before 2010, as called for in its resolution 55/146 of 8 December 2000,

Reiterating its conviction of the need for the eradication of colonialism, as well as of racial discrimination and violations of basic human rights,

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* Reissued for technical reasons.

[1] See *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 23* (A/58/23).

03-62256* (E) 281103

Noting with satisfaction the achievements of the Special Committee in contributing to the effective and complete implementation of the Declaration and other relevant resolutions of the United Nations on decolonization,

Stressing the importance of the participation of the administering Powers in the work of the Special Committee,

Noting with concern that the non-participation of certain administering Powers has adversely affected the implementation of the mandate and work of the Special Committee,

Noting with satisfaction the cooperation and active participation of some administering Powers in the work of the Special Committee,

Noting that the other administering Powers have now agreed to work informally with the Special Committee,

Taking note of the consultations and agreements between the parties concerned in some Non-Self-Governing Territories and the action taken by the Secretary-General in relation to certain Non-Self-Governing Territories,

Aware of the pressing need of newly independent and emerging States for assistance from the United Nations and its system of organizations in the economic, social and other fields,

Aware also of the pressing need of many of the remaining Non-Self-Governing Territories, many of which are small island Territories, for economic, social and other assistance from the United Nations and the organizations of its system,

Taking special note of the fact that, for the first time in a non-self-governing Territory, the Special Committee held a Caribbean regional seminar on advancing the decolonization process in the Caribbean and Bermuda in Anguilla from 20 to 22 May 2003,[2]

1. *Reaffirms* its resolution 1514 (XV) and all other resolutions and decisions on decolonization, including its resolution 55/146, in which it declares the period 2001-2010 the Second International Decade for the Eradication of Colonialism, and calls upon the administering Powers, in accordance with those resolutions, to take all necessary steps to enable the peoples of the Non-Self-Governing Territories concerned to exercise fully as soon as possible their right to self-determination, including independence;

2. *Reaffirms once again* that the existence of colonialism in any form or manifestation, including economic exploitation, is incompatible with the Charter of the United Nations, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Universal Declaration of Human Rights;[3]

3. *Reaffirms its determination* to continue to take all steps necessary to bring about the complete and speedy eradication of colonialism and the faithful observance by all States of the relevant provisions of the Charter, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Universal Declaration of Human Rights;

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[2] See *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 23* (A/58/23), chap. II, annex.

[3] Resolution 217 A (III).

4. *Affirms once again its support* for the aspirations of the peoples under colonial rule to exercise their right to self-determination, including independence, in accordance with relevant resolutions of the United Nations on decolonization;

5. *Approves* the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples covering its work during 2003, including the programme of work envisaged for 2004;[4]

6. *Calls upon* the administering Powers to cooperate fully with the Special Committee to finalize before the end of 2004 a constructive programme of work on a case-by-case basis for the Non-Self-Governing Territories to facilitate the implementation of the mandate of the Special Committee and the relevant resolutions on decolonization, including resolutions on specific Territories;

7. *Welcomes* the ongoing consultations between the Special Committee and New Zealand, as administering Power for Tokelau, with the participation of representatives of the people of Tokelau, with a view to advancing the programme of work on the question of Tokelau;

8. *Requests* the Special Committee to continue to seek suitable means for the immediate and full implementation of the Declaration and to carry out the actions approved by the General Assembly regarding the International Decade for the Eradication of Colonialism and the Second International Decade in all Territories that have not yet exercised their right to self-determination, including independence, and in particular:

(a) To formulate specific proposals to bring about an end to colonialism and to report thereon to the General Assembly at its fifty-ninth session;

(b) To continue to examine the implementation by Member States of resolution 1514 (XV) and other relevant resolutions on decolonization;

(c) To continue to examine the political, economic and social situation in the Non-Self-Governing Territories, and to recommend, as appropriate, to the General Assembly the most suitable steps to be taken to enable the populations of those Territories to exercise their right to self-determination, including independence, in accordance with relevant resolutions on decolonization, including resolutions on specific Territories;

(d) To finalize before the end of 2004 a constructive programme of work on a case-by-case basis for the Non-Self-Governing Territories to facilitate the implementation of the mandate of the Special Committee and the relevant resolutions on decolonization, including resolutions on specific Territories;

(e) To continue to dispatch visiting missions to the Non-Self-Governing Territories in accordance with relevant resolutions on decolonization, including resolutions on specific Territories;

(f) To conduct seminars, as appropriate, for the purpose of receiving and disseminating information on the work of the Special Committee, and to facilitate participation by the peoples of the Non-Self-Governing Territories in those seminars;

[4] See *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 23* (A/58/23), chap. I, sect. J.

(g) To take all necessary steps to enlist worldwide support among Governments, as well as national and international organizations, for the achievement of the objectives of the Declaration and the implementation of the relevant resolutions of the United Nations;

(h) To observe annually the Week of Solidarity with the Peoples of Non-Self-Governing Territories;[5]

9. *Calls upon* all States, in particular the administering Powers, as well as the specialized agencies and other organizations of the United Nations system, to give effect within their respective spheres of competence to the recommendations of the Special Committee for the implementation of the Declaration and other relevant resolutions of the United Nations;

10. *Calls upon* the administering Powers to ensure that the economic activities in the Non-Self-Governing Territories under their administration do not adversely affect the interests of the peoples but instead promote development, and to assist them in the exercise of their right to self-determination;

11. *Urges* the administering Powers concerned to take effective measures to safeguard and guarantee the inalienable rights of the peoples of the Non-Self-Governing Territories to their natural resources, including land, and to establish and maintain control over the future development of those resources, and requests the administering Powers to take all necessary steps to protect the property rights of the peoples of those Territories;

12. *Urges* all States, directly and through their action in the specialized agencies and other organizations of the United Nations system, to provide moral and material assistance to the peoples of the Non-Self-Governing Territories, and requests that the administering Powers take steps to enlist and make effective use of all possible assistance, on both a bilateral and a multilateral basis, in the strengthening of the economies of those Territories;

13. *Reaffirms* that the United Nations visiting missions to the Territories are an effective means of ascertaining the situation in the Territories, as well as the wishes and aspirations of their inhabitants, and calls upon the administering Powers to continue to cooperate with the Special Committee in the discharge of its mandate and to facilitate visiting missions to the Territories;

14. *Calls upon* the administering Powers that have not participated formally in the work of the Special Committee to do so at its session in 2004;

15. *Requests* the Secretary-General, the specialized agencies and other organizations of the United Nations system to provide economic, social and other assistance to the Non-Self-Governing Territories and to continue to do so, as appropriate, after they exercise their right to self-determination, including independence;

16. *Requests* the Secretary-General to provide the Special Committee with the facilities and services required for the implementation of the present resolution, as well as of the other resolutions and decisions on decolonization adopted by the General Assembly and the Special Committee.

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[5] See resolution 2911 (XXVII).

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General Assembly

Distr.: Limited
19 November 2003

Original: English

Fifty-eighth session
Agenda item 40 (b)
Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance: special economic assistance to individual countries or regions

Algeria, Angola, Armenia, Azerbaijan, Bangladesh, Benin, Bosnia and Herzegovina, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Chile, China, Comoros, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Djibouti, Egypt, Equatorial Guinea, Fiji, Gabon, Gambia, Greece, India, Jamaica, Japan, Kenya, Kuwait, Lesotho, Madagascar, Malawi, Mali, Morocco, Namibia, Nicaragua, Niger, Nigeria, Rwanda, Saint Vincent and the Grenadines, Senegal, South Africa, Sudan, Swaziland, Togo, Tunisia, Uganda, United Republic of Tanzania, Zambia and Zimbabwe: draft resolution

Emergency humanitarian assistance to Ethiopia

The General Assembly,

Recalling its resolution 57/149 of 16 December 2002 on emergency humanitarian assistance to Ethiopia,

Noting with concern the recurrent drought that affects Ethiopia, and its consequences,

Recalling the initiatives of the Secretary-General to improve food security, including the appointment of the Special Envoy for the Humanitarian Crisis in the Horn of Africa,

Gravely concerned at the magnitude of the recurrent drought, which affects millions owing to the serious crop failures in drought-prone parts of the country that have weak infrastructures and low development capacities,

Bearing in mind the joint 2004 appeal of the United Nations and the Government of Ethiopia for emergency assistance for Ethiopia, to respond to the food and non-food requirements of households in need so as to prevent the worsening of the current humanitarian crisis,

03-62315 (E) 211103

Noting with serious concern the significant and persistent humanitarian needs in such areas as health, water and acute malnutrition that still exist in parts of the country,

Noting also with serious concern the dire humanitarian situation and its long-term socio-economic and environmental impacts,

Emphasizing the need to address the crisis, bearing in mind the importance of the transition from relief to development, and acknowledging the underlying structural causes for recurrent drought in Ethiopia,

Recognizing that the main responsibility for improving the humanitarian situation and creating conditions for long-term development lies with the Government of Ethiopia, while bearing in mind the important role played by the international community,

Emphasizing the importance of establishing a strong early warning system in order to better predict and respond as early as possible to disasters and to minimize their consequences,

1. *Takes note* of the report of the Secretary-General;[1]

2. *Welcomes* the coordinated and collaborative efforts of the Ethiopian Government, agencies, funds and programmes of the United Nations system, the donor community, non-governmental organizations and other entities to avert, through their timely and generous response, a major humanitarian crisis in Ethiopia in 2003;

3. *Calls upon* the international community to respond in a timely manner to the joint 2004 appeal of the United Nations and the Government of Ethiopia for emergency assistance for Ethiopia, covering food and non-food needs, as well as to the urgent needs of programme interventions of 2004, aimed at addressing the underlying causes of food insecurity, and issues of recovery, asset protection and the sustainable development of the affected areas;

4. *Welcomes* the programme prepared by the Coalition for Food Security in Ethiopia and encourages the international community to support the Coalition in realizing its main objective, namely, breaking the cycle of food aid dependency within the next three to five years, thereby enabling fifteen million vulnerable people to engage in sustainable productive activities;

5. *Also welcomes* the efforts of the Government of Ethiopia, the international community and civil society, including non-governmental organizations, to strengthen mechanisms already in place to respond to such emergency situations and appreciates their endeavours to increase the availability of food through domestic production and to ensure the access of households in need to food, health and water facilities;

6. *Further welcomes* the initiative taken by the Secretary-General in appointing a Special Envoy for the Humanitarian Crisis in the Horn of Africa, with the objective of mobilizing resources for relief support as well as sustainable development of the affected areas;

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[1] A/58/224.

7. *Invites* the Office for the Coordination of Humanitarian Affairs of the Secretariat to continue considering ways to enhance the mobilization of emergency relief assistance to cover the remaining humanitarian needs in Ethiopia;

8. *Calls upon* all development partners to integrate relief efforts with recovery, asset protection and long-term development and to address the underlying structural causes of recurrent drought in Ethiopia, in a way that is, inter alia, in line with the poverty reduction strategy paper, including strategies that are aimed at preventing such crises in the future and that improve the resilience of the population;

9. *Encourages* the Government of Ethiopia to further strengthen its efforts to address the underlying structural causes of recurrent threats of drought as part of its overall economic development programme;

10. *Requests* the Secretary-General to report to the General Assembly at its fifty-ninth session on the implementation of the present resolution.

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General Assembly

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Fifty-eighth session
Agenda item 40 (b)
Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance: special economic assistance to individual countries or regions

Algeria, Angola, Armenia, Azerbaijan, Bangladesh, Benin, Bosnia and Herzegovina, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Chile, China, Comoros, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Djibouti, Egypt, Equatorial Guinea, Fiji, Gabon, Gambia, Greece, India, Jamaica, Japan, Kenya, Kuwait, Lesotho, Madagascar, Malawi, Mali, Morocco, Namibia, Nicaragua, Niger, Nigeria, Rwanda, Saint Vincent and the Grenadines, Senegal, South Africa, Sudan, Swaziland, Togo, Tunisia, Uganda, United Republic of Tanzania, Zambia and Zimbabwe: draft resolution

Emergency humanitarian assistance to Ethiopia

Addendum

Add the following countries to the list of sponsors of the draft resolution:

Argentina, Austria, Bhutan, Canada, Congo, Cyprus, Denmark, Ecuador, Finland, France, Germany, Ghana, Guinea, Guinea-Bissau, Ireland, Israel, Italy, Jordan, Luxembourg, Malaysia, Mauritania, Mozambique, Netherlands, Poland, Portugal, Saudi Arabia, Singapore, Slovakia, Somalia, Sweden, Thailand, Ukraine and Yemen

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General Assembly

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Fifty-eighth session
Agenda item 38
Question of Palestine

Algeria, Bahrain, Brunei Darussalam, Comoros, Cuba, Djibouti, Egypt, Indonesia, Jordan, Kuwait, Lao People's Democratic Republic, Malaysia, Malta, Mauritania, Morocco, Qatar, Saudi Arabia, Senegal, Somalia, South Africa, Sudan, Tunisia, United Arab Emirates, Yemen and Palestine: draft resolution

Committee on the Exercise of the Inalienable Rights of the Palestinian People

The General Assembly,

Recalling its resolutions 181 (II) of 29 November 1947, 194 (III) of 11 December 1948, 3236 (XXIX) of 22 November 1974, 3375 (XXX) and 3376 (XXX) of 10 November 1975, 31/20 of 24 November 1976 and all subsequent relevant resolutions, including those adopted by the General Assembly at its emergency special sessions and resolution 57/107 of 3 December 2002,

Having considered the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,[1]

Recalling the mutual recognition between the Government of the State of Israel and the Palestine Liberation Organization, the representative of the Palestinian people, as well as the existing agreements between the two sides and the need for full compliance with those agreements,

Welcoming the official presentation by the Quartet of the road map to a permanent two-State solution to the Israeli-Palestinian conflict,[2]

Reaffirming that the United Nations has a permanent responsibility towards the question of Palestine until the question is resolved in all its aspects in a satisfactory manner in accordance with international legitimacy,

[1] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 35* (A/58/35).
[2] S/2003/529, annex.

03-62568 (E) 241103

1. *Expresses its appreciation* to the Committee on the Exercise of the Inalienable Rights of the Palestinian People for its efforts in performing the tasks assigned to it by the General Assembly, and takes note of its annual report,[1] including the conclusions and recommendations contained in chapter VII thereof;

2. *Requests* the Committee to continue to exert all efforts to promote the realization of the inalienable rights of the Palestinian people, to support the Middle East peace process and to mobilize international support for and assistance to the Palestinian people, and authorizes the Committee to make such adjustments in its approved programme of work as it may consider appropriate and necessary in the light of developments and to report thereon to the General Assembly at its fifty-ninth session and thereafter;

3. *Also requests* the Committee to continue to keep under review the situation relating to the question of Palestine and to report and make suggestions to the General Assembly, the Security Council or the Secretary-General, as appropriate;

4. *Further requests* the Committee to continue to extend its cooperation and support to Palestinian and other civil society organizations in order to mobilize international solidarity and support for the achievement by the Palestinian people of its inalienable rights and for a peaceful settlement of the question of Palestine, and to involve additional civil society organizations in its work;

5. *Requests* the United Nations Conciliation Commission for Palestine, established under General Assembly resolution 194 (III), and other United Nations bodies and entities working on various aspects of the question of Palestine to continue to cooperate fully with the Committee and to make available to it, at its request, the relevant information and documentation which they have at their disposal;

6. *Invites* all Governments and organizations to extend their cooperation to the Committee in the performance of its tasks;

7. *Requests* the Secretary-General to circulate the report of the Committee to all competent bodies of the United Nations, and urges them to take the necessary action, as appropriate;

8. *Also requests* the Secretary-General to continue to provide the Committee with all necessary facilities for the performance of its tasks.

United Nations A/58/L.23/Add.1

General Assembly

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Fifty-eighth session
Agenda item 38
Question of Palestine

Algeria, Bahrain, Brunei Darussalam, Comoros, Cuba, Djibouti, Egypt, Indonesia, Jordan, Kuwait, Lao People's Democratic Republic, Malaysia, Malta, Mauritania, Morocco, Qatar, Saudi Arabia, Senegal, Somalia, South Africa, Sudan, Tunisia, United Arab Emirates, Yemen and Palestine: draft resolution

Committee on the Exercise of the Inalienable Rights of the Palestinian People

Addendum

Add the following countries to the list of sponsors of the draft resolution:

Bangladesh, Mali, Namibia, Oman and Togo

03-63945 (E) 041203

United Nations A/58/L.24

General Assembly

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Agenda item 38
Question of Palestine

Algeria, Bahrain, Brunei Darussalam, Comoros, Cuba, Djibouti, Egypt, Indonesia, Jordan, Kuwait, Lao People's Democratic Republic, Malaysia, Malta, Mauritania, Morocco, Qatar, Saudi Arabia, Senegal, Somalia, South Africa, Sudan, Tunisia, United Arab Emirates, Yemen and Palestine: draft resolution

Division for Palestinian Rights of the Secretariat

The General Assembly,

Having considered the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,[1]

Taking note in particular of the relevant information contained in chapter V.B of that report,

Recalling its resolution 32/40 B of 2 December 1977 and all subsequent relevant resolutions, including resolution 57/108 of 3 December 2002,

1. *Notes with appreciation* the action taken by the Secretary-General in compliance with its resolution 57/108;

2. *Considers* that the Division for Palestinian Rights of the Secretariat continues to make a useful and constructive contribution;

3. *Requests* the Secretary-General to continue to provide the Division with the necessary resources and to ensure that it continues to carry out its work as detailed in the relevant earlier resolutions, in consultation with the Committee on the Exercise of the Inalienable Rights of the Palestinian People and under its guidance, including, in particular, the organization of meetings and conferences in various regions with the participation of all sectors of the international community, the further development and expansion of the documents collection of the United Nations Information System on the Question of Palestine, the preparation and widest possible dissemination of publications and information materials on various aspects of the question of Palestine and the provision of the annual training programme for staff of the Palestinian Authority;

[1] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 35* (A/58/35).

03-62580 (E) 211103

4. *Also requests* the Secretary-General to ensure the continued cooperation of the Department of Public Information and other units of the Secretariat in enabling the Division to perform its tasks and in covering adequately the various aspects of the question of Palestine;

5. *Invites* all Governments and organizations to extend their cooperation to the Division in the performance of its tasks;

6. *Requests* the Committee and the Division, as part of the observance of the International Day of Solidarity with the Palestinian People on 29 November, to continue to organize an annual exhibit on Palestinian rights in cooperation with the Permanent Observer Mission of Palestine to the United Nations, and encourages Member States to continue to give the widest support and publicity to the observance of the Day of Solidarity.

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Fifty-eighth session
Agenda item 38
Question of Palestine

Algeria, Bahrain, Brunei Darussalam, Comoros, Cuba, Djibouti, Egypt, Indonesia, Jordan, Kuwait, Lao People's Democratic Republic, Malaysia, Malta, Mauritania, Morocco, Qatar, Saudi Arabia, Senegal, Somalia, South Africa, Sudan, Tunisia, United Arab Emirates, Yemen and Palestine: draft resolution

Division for Palestinian Rights of the Secretariat

Addendum

Add the following countries to the list of sponsors of the draft resolution:

Bangladesh, Mali, Namibia and Oman

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United Nations

A/58/L.25

General Assembly

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Fifty-eighth session
Agenda item 38
Question of Palestine

Algeria, Bahrain, Brunei Darussalam, Comoros, Cuba, Djibouti, Egypt, Indonesia, Jordan, Kuwait, Lao People's Democratic Republic, Malaysia, Malta, Mauritania, Morocco, Qatar, Saudi Arabia, Senegal, Somalia, South Africa, Sudan, Tunisia, United Arab Emirates, Yemen and Palestine: draft resolution

Special information programme on the question of Palestine of the Department of Public Information of the Secretariat

The General Assembly,

Having considered the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,[1]

Taking note in particular of the information contained in Chapter VI of that report,

Recalling its resolution 57/109 of 3 December 2002,

Convinced that the worldwide dissemination of accurate and comprehensive information and the role of civil society organizations and institutions remain of vital importance in heightening awareness of and support for the inalienable rights of the Palestinian people,

Recalling the mutual recognition between the Government of the State of Israel and the Palestine Liberation Organization, the representative of the Palestinian people, as well as the existing agreements concluded between the two sides and the need for full compliance with those agreements,

Welcoming the official presentation by the Quartet of the road map to a permanent two-State solution to the Israeli-Palestinian conflict,[2]

1. *Notes with appreciation* the action taken by the Department of Public Information of the Secretariat in compliance with resolution 56/35;

[1] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 35* (A/58/35).
[2] S/2003/529, annex.

03-62605 (E) 211103

2. *Considers* that the special information programme on the question of Palestine of the Department is very useful in raising the awareness of the international community concerning the question of Palestine and the situation in the Middle East and that the programme is contributing effectively to an atmosphere conducive to dialogue and supportive of the peace process;

3. *Requests* the Department, in full cooperation and coordination with the Committee on the Exercise of the Inalienable Rights of the Palestinian People, to continue, with the necessary flexibility as may be required by developments affecting the question of Palestine, its special information programme for the biennium 2003-2004, in particular:

(a) To disseminate information on all the activities of the United Nations system relating to the question of Palestine, including reports on the work carried out by the relevant United Nations entities;

(b) To continue to issue and update publications on the various aspects of the question of Palestine in all fields, including materials concerning the recent developments in that regard, in particular the prospects for peace;

(c) To expand its collection of audio-visual material on the question of Palestine and to continue the production and preservation of such material and the updating of the exhibit in the Secretariat;

(d) To organize and promote fact-finding news missions for journalists to the area, including the territory under the jurisdiction of the Palestinian Authority and the Occupied Territory;

(e) To organize international, regional and national seminars or encounters for journalists, aiming in particular at sensitizing public opinion to the question of Palestine;

(f) To continue to provide assistance to the Palestinian people in the field of media development, in particular to strengthen the training programme for Palestinian broadcasters and journalists initiated in 1995.

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Agenda item 38
Question of Palestine

Algeria, Bahrain, Brunei Darussalam, Comoros, Cuba, Djibouti, Egypt, Indonesia, Jordan, Kuwait, Lao People's Democratic Republic, Malaysia, Malta, Mauritania, Morocco, Qatar, Saudi Arabia, Senegal, Somalia, South Africa, Sudan, Tunisia, United Arab Emirates, Yemen and Palestine: draft resolution

Special information programme on the question of Palestine of the Department of Public Information of the Secretariat

Addendum

Add the following countries to the list of sponsors of the draft resolution:

Bangladesh, Mali, Namibia and Oman

03-63957 (E) 041203